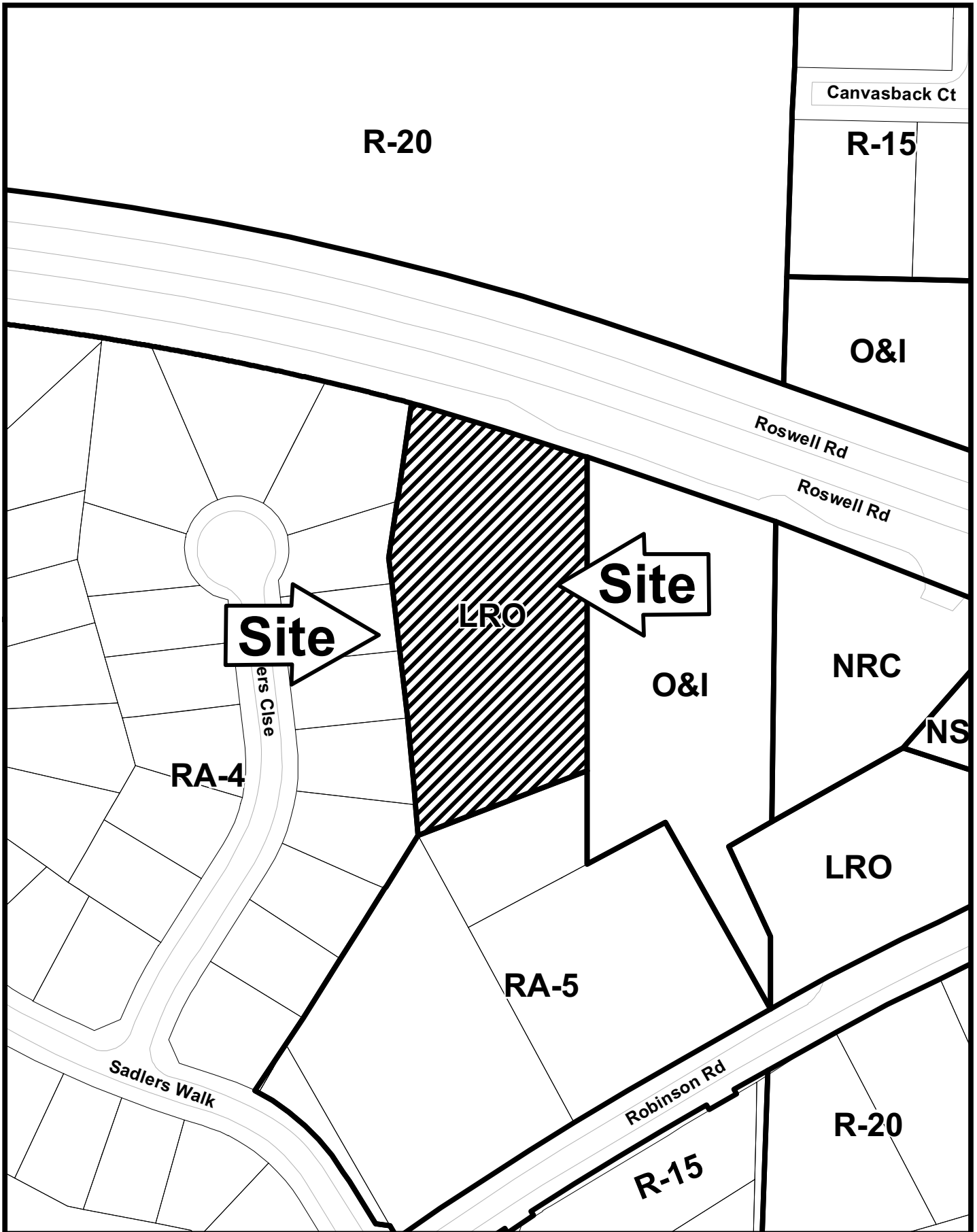
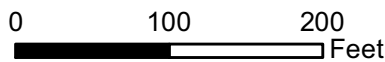


SLUP-6



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



City Boundary
Zoning Boundary

APPLICANT: 3700 Roswell Road, LLC

PETITION NO.: SLUP-6

PRESENT ZONING: LRO

PETITION FOR: SLUP

ZONING COMMENTS: Staff Member Responsible: Terry Martin, MPA

In conjunction with companion case Z-22 which is a request to rezone from LRO low rise office district to O&I office and institutional district, this case is a request by the applicant for a Special Land Use Permit (SLUP) in order to construct and operate a freestanding climate controlled self-service storage facility on this property. This property was previously rezoned to the LRO category for a small professional office park development that never was begun.

The current request is to construct a new four (4) story climate controlled building with 400 storage units and a total of 96,000 square feet including 1,200 square feet of office area. Nine (9) parking spaces are provided on site. The proposed building height is 51 feet and 8 inches.

The proposed building height of 51’8” is much higher than those residences immediately located to the west of the subject site. This could be seen as contradictory to the Code’s minimum standards of “(not) impact the view shed of adjacent residential property.” Also, the proposed floor to area ratio (FAR) is 1.55, well over the 1.0 suggested by the Code. While all units are accessed internally, it is not clear from the applicant’s submissions if all windows are “one way” as prescribed by the Code. Too, the Code requires that “architectural style/design to be similar or complementary to the predominant architectural design of other commercial uses within the activity center.” The proposed architecture of the storage facility appears more modern with expanses of EIFS, glass, metal accents and modular brick veneer while nearby office uses within the activity center of this portion of Roswell Road and Robinson Road are of a more traditional style of brick construction. A minimal landscaping plan has been provided which shows a 20 foot landscape buffer adjacent to the residential properties to the south and west as well as landscaping of the frontage.

Historic Preservation: No comments.

Cemetery Preservation: No comment.

WATER & SEWER COMMENTS:

No comments.

TRAFFIC COMMENTS:

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.

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: 3700 Roswell Road, LLC

PETITION NO.: SLUP-6

PRESENT ZONING: LRO

PETITION FOR: O&I

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Sewell Mill Cr 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: _____

- 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 detention pond (Glenside Subdivision).

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. This parcel is located just south of Roswell Road and is bounded by an existing office development to the west, an existing RA-4 subdivision to the west and an RA-5 subdivision currently under development to the south. The majority of the site is wooded with average slopes ranging from 5 to 15 %. Approximately 1.1 acres of this parcel drains to the west through the Glenside Subdivision. The remainder of the site (0.4 ac) drains to the Roswell Road R/W.
2. The proposed site plan shows the detention facility discharging to the existing drainage easement in the adjacent Glenside Subdivision to the west. The stormwater management design must evaluate and account for the existing conveyance capacity of this older system as well the volume impact on the existing subdivision detention pond. As an alternative the site could be discharged to the existing stormwater system in the Roswell Road R/W subject to the available capacity. The final discharge point must be decided in Plan Review.
3. The discharge from the newly constructed detention pond for the subdivision to the south (3711 Robinson Road) must be accommodated through this site.

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STAFF RECOMMENDATIONS

SLUP-6 3700 ROSWELL ROAD, LLC

The applicant is requesting a SLUP for the construction of a 96,000 square foot, four (4) story freestanding climate controlled self-service storage facility. The current plans propose 400 storage units and 1,200 square feet of office space as well as nine (9) parking spaces. The building will stand 51 feet, 8 inches in height. Landscaping is proposed adjacent to residential properties and along the Roswell Road frontage.

However, the Code prescribes minimum standards for these facilities in the O&I district regulations which this proposal does not meet. First, the Code requires that building height not exceed that of adjacent building or impact the view shed of neighboring residences. The near-equivalent 4+ story structure may have impact on those residences which sit no farther than 30-35 feet from this property. Also, the Code suggests a FAR of no more than 1.0 while the currently proposed project envisions a FAR of 1.55. While it is not clear whether the windows of the structure will be one-way as required by the Code, the architectural style of the building may be argued no “similar or complementary to the predominant architectural design of other commercial uses within the activity center.”

Based on the outlined issues inherent in the proposal and the Code’s requirements for such a use, as well as in consideration of the necessary companion rezoning to obtain the necessary O&I zoning for this parcel, the applicant’s request may not be suitable for the property in question. Rather than providing for an appropriate “step-down” in zoning and use intensity as the existing LRO zoning could do, the requested O&I and storage facility proposal could be viewed as too intense for this site and may have detrimental effects upon surrounding properties, especially those immediately adjacent residences. Therefore, Staff recommends DENIAL of the applicant’s request.

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 & BALLI

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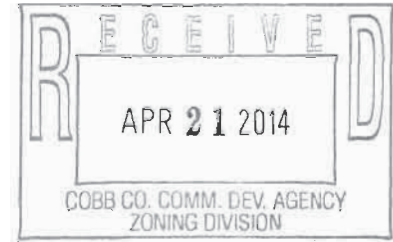
JUSTIN H. MEEKS

SLHB-LAW.COM

April 21, 2014

VIA 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 3700 Roswell Road, LLC to Rezone a 1.535 Acre Tract
from LRO to O&I (No. Z-22)

Application of 3700 Roswell Road, LLC for a Special Land Use Permit
(No. SLUP-6)

Dear John:

As you know, this firm has been engaged by and represents 3700 Roswell Road, LLC ("Applicant") concerning the above-captioned Applications for Rezoning and Special Land Use Permit (the "Applications"). The Applications are scheduled to be heard and considered by the Cobb County Planning Commission on May 5, 2014 and, thereafter, are scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on May 20, 2014.

You will recall that we submitted a letter of agreeable stipulations/conditions on April 3, 2014. Since that time, we have continued our dialogue with the County's professional staff, the East Cobb Civic Association ("ECCA") and others. Additionally, we have recently established a dialogue with representatives of Glen Side Subdivision which is the RA-4 development which is located contiguous to the subject property. In that regard, this letter will serve as the Applicant's revised 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 revised stipulations and conditions set forth herein shall replace and supersede 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 Applications.

SAMS, LARKIN, HUFF & BALLI, LLP

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VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
April 21, 2014
Page 2

2. The architectural style, composition and design of the proposed building shall be in substantial conformity to the revised color rendering/elevation which is being submitted contemporaneously herewith. Said rendering/elevation depicts exterior materials on all four (4) sides consisting of brick and/or EFIS or a combination of both.
3. The rezoning of the subject property to the Office & Institutional (O&I) classification shall be use specific for a Climate Controlled Self Service Storage Facility (“CCSSSF”).¹
4. There shall be no access to the proposed building from midnight to 6 a.m. However, the hours of operation for the CCSSSF offices shall be from 9:00 a.m. until 7:00 p.m. Monday through Saturday and from 1:00 p.m. until 6:00 p.m. on Sundays. Access to the facility shall be facilitated with entry to the building being via key card and punch code pad. Activity within strategic locations throughout the facility shall be monitored by video security systems.
5. 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.
6. The submission of a landscape plan during the Plan Review process subject to final review and approval by the Community Development Agency, including the following:
 - a. The formation of a Landscape Oversight Committee consisting of a representative from the East Cobb Civic Association (“ECCA”), a representative of Glen Side HOA, a representative of the Applicant and a representative from the Community Development Department. The Community Development Department representative shall be the final arbiter with respect to the resolution of any issues which can not otherwise be resolved.

¹ The subject property is located in an area under Cobb County’s Future Land Use Map which is denominated as a Neighborhood Activity Center (“NAC”) and is presently zoned for an Office Park. Additionally, the property is contiguous to the Keller Williams Real Estate office building which exceeds the height of the building proposed for the site.

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Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
April 21, 2014
Page 3

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- b. The species of vegetation which will be utilized shall be ecologically compatible with the site, appropriate for design circumstances and consistent with nearby landscaping for non-residential properties. Where appropriate and indicated, said landscaping shall be irrigated.
 - c. The installation of a twenty foot (20') landscape buffer on the subject property where contiguous to residentially zoned and/or utilized properties.
 - d. Subject to water use restrictions which may be imposed by the State of Georgia and/or Cobb County, all landscaping for the proposed CCSSSF shall be professionally designed and perpetually maintained and irrigated. Any dead or irrevocably diseased vegetation shall be replaced as necessary.
 - e. HVAC and mechanical equipment shall be screened from view of the adjoining properties and public rights of way in accordance with the architectural style and composition as aforementioned. The HVAC systems shall be screened from view by an opaque enclosure.
 - f. There shall be no dumpsters located outside of the CCSSSF.
 - g. There shall be no recreational vehicles, boats, trailers or buses stored on the subject property.
7. Signage shall be ground-based, monument-style with finished materials and colors being in substantial conformity to the architectural style and composition as aforementioned. Signage shall comply with the Cobb County Sign Ordinance.
 8. There shall be no outside storage, overnight vehicle parking or trailer parking permitted on the site. Additionally, no vehicles shall be parked upon the property adjacent to Roswell Road (S. R. 120) for the purposes of advertising.
 9. Compliance with recommendations from the Stormwater Management Division with respect to detention, hydrology and downstream considerations, including the ultimate location and configuration of onsite detention and/or water quality ponds. Presently, detention and water quality components are shown as being located underground between the proposed building and Roswell Road.

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Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
April 21, 2014
Page 4

10. Subject to recommendations from the Cobb County Department of Transportation with respect to traffic and transportation issues, including the following:
 - a. Securing approval from the Georgia Department of Transportation (“GDOT”) with respect to any encroachments within Roswell Road which is a State right-of-way.
 - b. Installation of ADA ramps to accommodate the multi-use sidewalk which traverses the frontage of the subject property.
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 contained within the Zoning Analysis.
13. Compliance with the provisions and regulations applicable to Climate Controlled Self-Service Storage Facilities except as may be varied by this submittal and from time to time by the Cobb County Board of Commissioners.
14. The District Commissioner shall have the authority to make minor modifications to the site plan and these stipulations/conditions during the Plan Review process except for those that:
 - a. Reduce the size of an approved buffer adjacent to property that is zoned the same or in a more restrictive zoning district.
 - b. Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district.
 - c. Increase the height of a building that is adjacent to property that is zoned the same or in a more restrictive zoning district.
 - d. Change access location to a different roadway.

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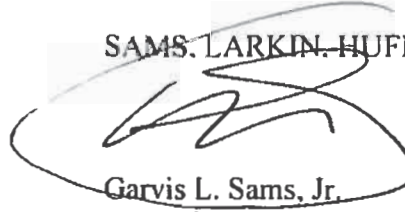
VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
April 21, 2014
Page 5

Please do not hesitate to contact me should you or the staff require any further information or documentation prior to the formulation of the Zoning Analysis and Staff Recommendations. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS/dsj

Attachment

cc: Members, Cobb County Board of Commissioners (via email w/attachment)
Members, Cobb County Planning Commission (via email w/attachment)
Mr. Robert L. Hosack, Jr., AICP Director (via email w/attachment)
Mr. Dana Johnson, AICP Assistant Director (via email w/attachment)
Mr. Jason Campbell, Planner III (via email w/attachment)
Mr. Terry Martin, Planner II (via email w/attachment)
Mr. David Breaden, P.E. (via email w/attachment)
Ms. Jane Stricklin, P.E. (via email w/attachment)
Ms. Karen King, Assistant County Clerk (via email w/attachment)
Ms. Lori Barton, Deputy County Clerk (via email w/attachment)
Ms. Jill Flamm, ECCA (via email w/attachment)
Ms. Trish Steiner, ECCA (via email w/attachment)
Mr. John Fabbrini, Glen Side HOA (via email w/attachment)
Mr. Allen Gerber, Glen Side HOA (via email w/attachment)
Mr. Jason Linscott (via email w/attachment)



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 APR 21 2014
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

