

Z-22
(2014)

ROSWELL ROAD SELF STORAGE

REZONING SITE PLAN

NO.	DATE	DESCRIPTION
1	11/11/13	PRELIMINARY
2	01/14/14	REVISED
3	04/09/14	REVISED
4	04/09/14	REVISED
5	04/09/14	REVISED
6	04/09/14	REVISED
7	04/09/14	REVISED
8	04/09/14	REVISED
9	04/09/14	REVISED
10	04/09/14	REVISED
11	04/09/14	REVISED
12	04/09/14	REVISED
13	04/09/14	REVISED
14	04/09/14	REVISED
15	04/09/14	REVISED
16	04/09/14	REVISED
17	04/09/14	REVISED
18	04/09/14	REVISED
19	04/09/14	REVISED
20	04/09/14	REVISED
21	04/09/14	REVISED
22	04/09/14	REVISED
23	04/09/14	REVISED
24	04/09/14	REVISED
25	04/09/14	REVISED
26	04/09/14	REVISED
27	04/09/14	REVISED
28	04/09/14	REVISED
29	04/09/14	REVISED
30	04/09/14	REVISED
31	04/09/14	REVISED
32	04/09/14	REVISED
33	04/09/14	REVISED
34	04/09/14	REVISED
35	04/09/14	REVISED
36	04/09/14	REVISED
37	04/09/14	REVISED
38	04/09/14	REVISED
39	04/09/14	REVISED
40	04/09/14	REVISED
41	04/09/14	REVISED
42	04/09/14	REVISED
43	04/09/14	REVISED
44	04/09/14	REVISED
45	04/09/14	REVISED
46	04/09/14	REVISED
47	04/09/14	REVISED
48	04/09/14	REVISED
49	04/09/14	REVISED
50	04/09/14	REVISED
51	04/09/14	REVISED
52	04/09/14	REVISED
53	04/09/14	REVISED
54	04/09/14	REVISED
55	04/09/14	REVISED
56	04/09/14	REVISED
57	04/09/14	REVISED
58	04/09/14	REVISED
59	04/09/14	REVISED
60	04/09/14	REVISED
61	04/09/14	REVISED
62	04/09/14	REVISED
63	04/09/14	REVISED
64	04/09/14	REVISED
65	04/09/14	REVISED
66	04/09/14	REVISED
67	04/09/14	REVISED
68	04/09/14	REVISED
69	04/09/14	REVISED
70	04/09/14	REVISED
71	04/09/14	REVISED
72	04/09/14	REVISED
73	04/09/14	REVISED
74	04/09/14	REVISED
75	04/09/14	REVISED
76	04/09/14	REVISED
77	04/09/14	REVISED
78	04/09/14	REVISED
79	04/09/14	REVISED
80	04/09/14	REVISED
81	04/09/14	REVISED
82	04/09/14	REVISED
83	04/09/14	REVISED
84	04/09/14	REVISED
85	04/09/14	REVISED
86	04/09/14	REVISED
87	04/09/14	REVISED
88	04/09/14	REVISED
89	04/09/14	REVISED
90	04/09/14	REVISED
91	04/09/14	REVISED
92	04/09/14	REVISED
93	04/09/14	REVISED
94	04/09/14	REVISED
95	04/09/14	REVISED
96	04/09/14	REVISED
97	04/09/14	REVISED
98	04/09/14	REVISED
99	04/09/14	REVISED
100	04/09/14	REVISED

LOCATION MAP

OWNER/DEVELOPER
Stein Investment Group
5407 Georgia Ave, Suite 200 | N.W. 10800 DUCK
Atlanta, GA 30342 | Phone: (770) 411-1111
478-882-8888 | Fax: (770) 411-1111

TAX PARCEL ID: 16086700140

SITE AREA: 177,000 sq. ft.

BUILDING SETBACK LINES: 10' (Front), 10' (Side), 10' (Rear)

BUILDING SUMMARY: 110,000 sq. ft. (110,000 sq. ft. / 100,000 sq. ft.)

PARKING SUMMARY: 100 (100 / 100)

REGULAR PARKING: 100 (100 / 100)

RETAIL PARKING: 100 (100 / 100)

TRUCK PARKING SPACES: 100 (100 / 100)

TRUCK TRAILER PARKING SPACES: 100 (100 / 100)

TRUCK TRAILER STORAGE: 100 (100 / 100)

TRUCK TRAILER OFFICE: 100 (100 / 100)

TRUCK TRAILER WASH: 100 (100 / 100)

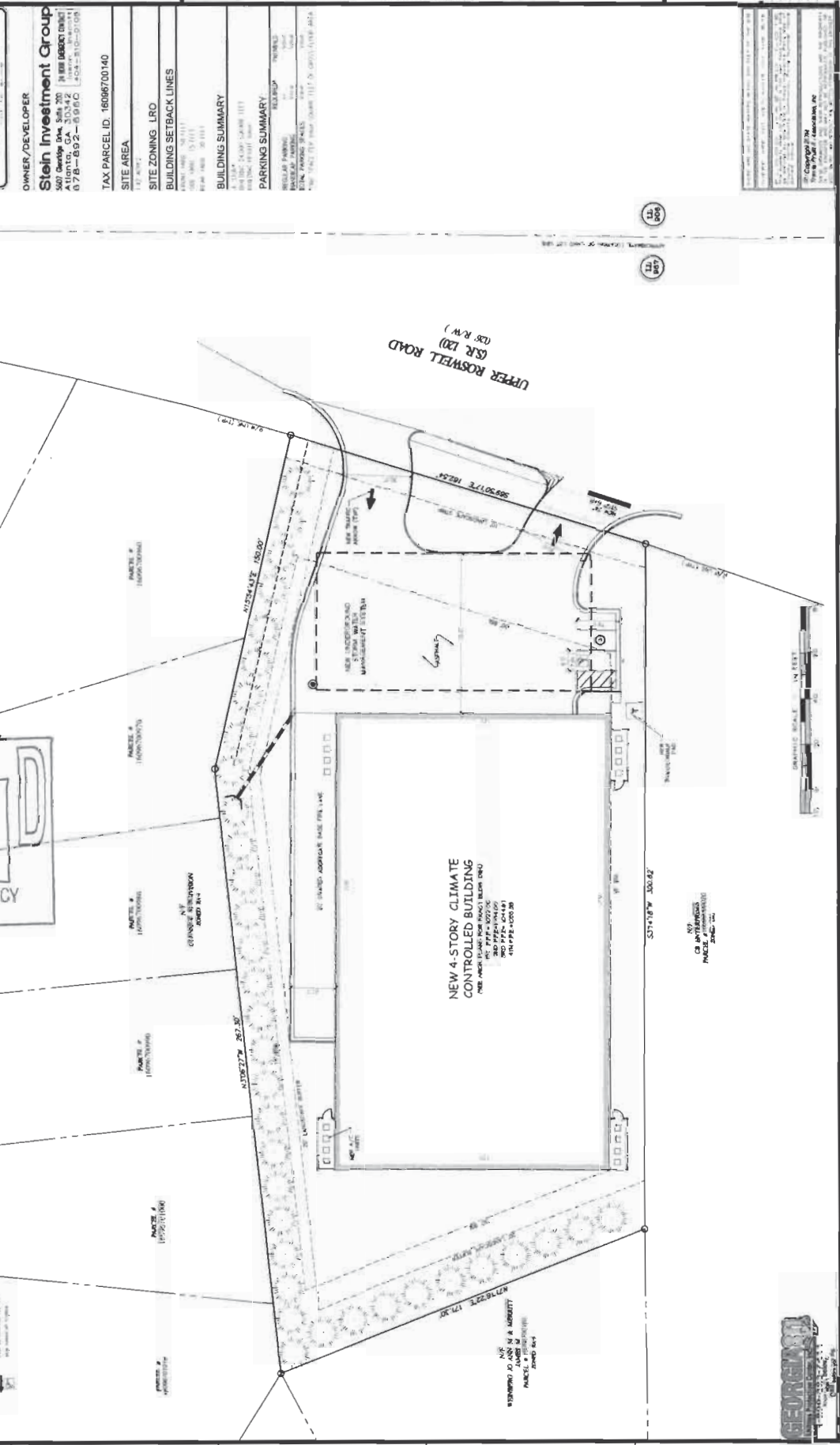
TRUCK TRAILER REPAIR: 100 (100 / 100)

TRUCK TRAILER STORAGE: 100 (100 / 100)

TRUCK TRAILER OFFICE: 100 (100 / 100)

TRUCK TRAILER WASH: 100 (100 / 100)

TRUCK TRAILER REPAIR: 100 (100 / 100)



RECEIVED

APR - 9 2014

COBB CO. COMM. DEV. AGENCY ZONING DIVISION



APPLICANT: 3700 Roswell Road, LLC
(404) 510-0105

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

TITLEHOLDER: Barry J. Shemaria

PROPERTY LOCATION: South side of Roswell Road, west of
Robinson Road
(3700 Roswell Road).

ACCESS TO PROPERTY: Roswell Road

PHYSICAL CHARACTERISTICS TO SITE: Existing house

PETITION NO: Z-22

HEARING DATE (PC): 05-06-14

HEARING DATE (BOC): 05-20-14

PRESENT ZONING: LRO

PROPOSED ZONING: O&I

PROPOSED USE: Climate Controlled
Self-Service Storage Facility

SIZE OF TRACT: 1.535 acres

DISTRICT: 16

LAND LOT(S): 967

PARCEL(S): 14

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/WellStar Health Park (Under Construction)
- SOUTH:** RA-5/Single-family house
- EAST:** O&I/Office building
- WEST:** RA-4/Glenside Subdivision

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

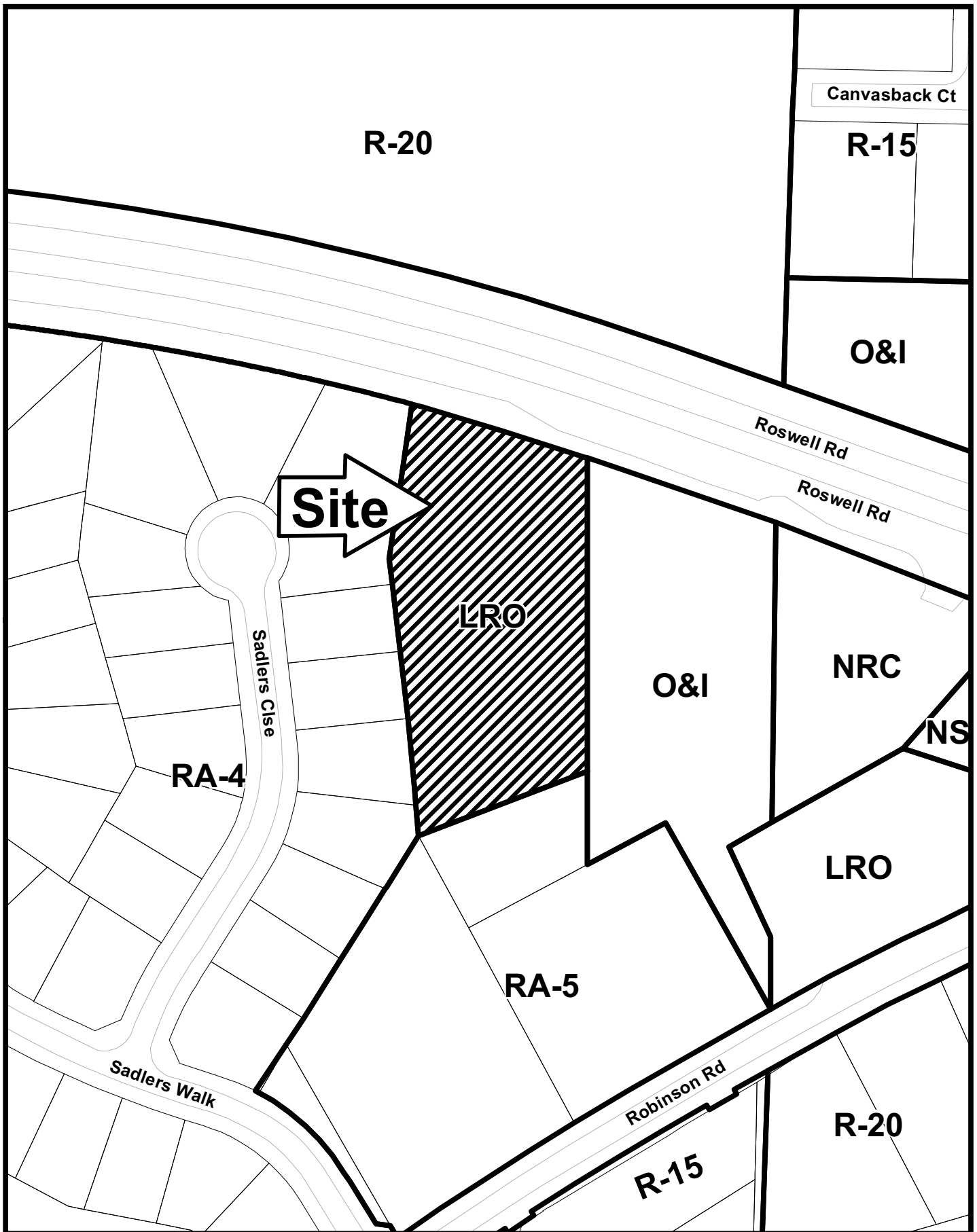
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

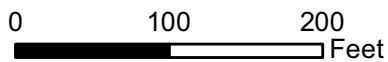
STIPULATIONS:





Z-22



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.: Z-22

PRESENT ZONING: LRO

PETITION FOR: O&I

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 96,000

F.A.R.: 1.55 **Square Footage/Acre:** 67,605.63

Parking Spaces Required: 5 **Parking Spaces Provided:** 9

In conjunction with companion case SLUP-6, the applicant is requesting to rezone the subject property from Low Rise Office (LRO) to Office and Institutional (O&I) 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.

Cemetery Preservation: No comment.

FIRE COMMENTS:

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

APPLICANT: 3700 Roswell Road, LLC

PETITION NO.: Z-22

PRESENT ZONING: LRO

PETITION FOR: O&I

FIRE COMMENTS (Continued):

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 24 feet maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.08.02.1)

APPLICANT: 3700 Roswell Road, LLC

PETITION NO.: Z-22

PRESENT ZONING: LRO

PETITION FOR: O&I

PLANNING COMMENTS:

The applicant is requesting a rezoning from LRO to O&I for purposes of a climate controlled self storage facility. The 1.535 acre site is located on the south side of Roswell Road, west of Robinson Road.

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with LRO zoning designation. The purpose of the (NAC) category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

Master Plan/Corridor Study

Not applicable.

Historic Preservation

After reviewing various county resources including historic and archeological resource surveys and documented Civil War trench maps, it is determined that a c. 1900 house is located within the project area. Due to the age and location of the structure, information about this resource and its occupants appears to have the potential to contribute significantly to the county's public history. Staff recommends the home either be incorporated into the development or, alternately, documented if destroyed.

In order to properly document this structure, its inhabitants, and the role it played in Cobb County's history, staff requests a history of the home and its occupants (as well as archival-quality photographs of the structure, all outbuildings, and its setting) be completed by a cultural resource consultant. These materials should be submitted to the historic preservation planner.

This property was rezoned previously as part of Z-53 from 2008. The above comment was a stipulation of that rezoning. The requested documentation was never received.

Design Guidelines

Is the parcel in an area with Design Guidelines? Yes No

If yes, design guidelines area _____

Does the current site plan comply with the design requirements?

Incentive Zones

Is the property within an Opportunity Zone? Yes No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone? Yes No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?

Yes No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

APPLICANT: 3700 Roswell Road, LLC

PETITION NO.: Z-22

PRESENT ZONING: LRO

PETITION FOR: O&I

PLANNING COMMENTS
(Continued):

Special Districts

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes No

APPLICANT 3700 Roswell Road LLC

PETITION NO. Z-022

PRESENT ZONING LRO

PETITION FOR O&I

WATER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): 8" DI / S side of Roswell Road

Additional Comments: Existing water customer

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: NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: on site

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

Treatment Plant: Sutton

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Drv Sewers Required: Yes No

Off-site Easements Required: 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 easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required: Yes No

Letter of Allocation issued: Yes No

Septic Tank Recommended by this Department: Yes No

Subject to Health Department Approval: Yes No

Additional Existing sewer customer
Comments:

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 offsite easements, dedication of on and/or offsite 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: 3700 Roswell Road, LLC

PETITION NO.: Z-22

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).

APPLICANT: 3700 Roswell Road, LLC

PETITION NO.: Z-22

PRESENT ZONING: LRO

PETITION FOR: O&I

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.

APPLICANT: 3700 Roswell Road

PETITION NO.: Z-22

PRESENT ZONING: LRO

PETITION FOR: O&I

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
Roswell Road	38,900	Arterial	45 mph	Georgia DOT	100'

Based on 2008 traffic counting data taken by Cobb County DOT (Roswell Road)

COMMENTS AND OBSERVATIONS

Roswell Road is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

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

Recommend GDOT to determine location and number of access points for the Roswell Road frontage.

Recommend a deceleration lane.

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

STAFF RECOMMENDATIONS

Z-22 3700 ROSWELL ROAD, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is not suitable in view of the use and development of adjacent and nearby properties. Nearby properties are used for single-family residential, professional offices and retail.
- 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 four-story structure may have an impact on those residences which are located 30-35 feet from this property.
- C. It is Staff's opinion that the applicant's rezoning proposal will 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 the Neighborhood Activity Center (NAC) land use category. The requested O&I zoning category is for properties delineated on the *Cobb County Comprehensive Plan* as being within or on the edge of a Community Activity Center (CAC) and a Regional Activity Center (RAC).
- 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 *Cobb County Comprehensive Plan* does not support the requested zoning category and the height of the proposed facility may have detrimental effects on the adjacent residential properties.

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.

THIS

PAGE

INTENTIONALLY

LEFT

BLANK



Application #: Z- 22

PC Hearing Date: May 6, 2014

BOC Hearing Date: May 20, 2014

Summary of Intent for Rezoning

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): _____
- b) Proposed building architecture: _____
- c) Proposed selling prices(s): _____
- d) List all requested variances: _____

COBB COUNTY GEORGIA
FILED IN OFFICE
2014 MAR -6 PM 12:30
COBB COUNTY ZONING DIVISION

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Climate Controlled Self-Service Storage Facility ("CCSSSF")
- b) Proposed building architecture: Four-sided brick with EFIS accents
- c) Proposed hours/days of operation: The hours of operation for the office servicing the CCSSSF will be from 8:00 a.m. until 6:00 p.m. Monday through Saturday and from 1:00 p.m. until 6:00 p.m. on Sunday
- d) List all requested variances: As shown on the site plan filed contemporaneously with the Application.

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

The rezoning of the subject property from LRO to O&I for the purposes of a CCSSSF is appropriate in view of the fact that the subject property is located within the confines of a Neighborhood Activity Center. The subject property was rezoned from NS and RA-5 in 2008; however, the office market along the Roswell Road Corridor is not as strong as anticipated in 2008.

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). _____

.....
Part 5. Is this application a result of a Code Enforcement action? No ; Yes _____ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature: [Signature] Date: 3/6/14

Applicant name (printed): GARLAND SAMS, JR.

*The Applicant reserves the right to amend this Summary of Intent for Rezoning and the preliminary information provided herein at any time during the rezoning process.

ZONING IMPACT STATEMENT
FOR THE REZONING APPLICATION
OF 3700 ROSWELL ROAD, LLC

COMES NOW, 3700 ROSWELL ROAD, LLC, and, pursuant to §134-121(A)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

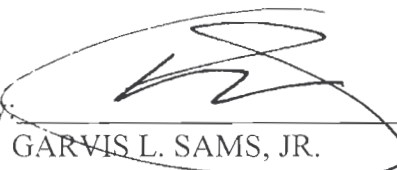
- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings along this section of the Roswell Road Corridor.
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties, the preponderance of which are commercial developments.
- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. Additionally, the present owner of the subject property is suffering a significant economic detriment by virtue of the continuation of the present zoning classification of LRO.

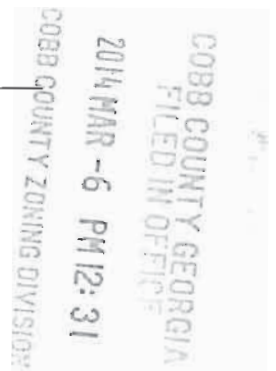
- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.
- E. The zoning proposal is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map with the subject property lying and being in a Neighborhood Activity Center (NAC).
- F. There is no substantial relationship between the existing zoning classification of LRO which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this section of the Roswell Road Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 6TH day of March, 2014.

SAMS, LARKIN, HUFF & BALLI, LLP

By:


GARVIS L. SAMS, JR.
Attorney for Applicant
Ga. Bar No. 623950



SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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

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

770-422-7016
TELEPHONE
770-426-6583
FACSIMILE

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

A LIMITED LIABILITY PARTNERSHIP

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.

SAMS, LARKIN, HUFF & BALLI, LLP

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

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

- 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.

SAMS, LARKIN, HUFF & BALLI, LLP

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

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.

SAMS, LARKIN, HUFF & BALLI, LLP

A LIMITED LIABILITY PARTNERSHIP

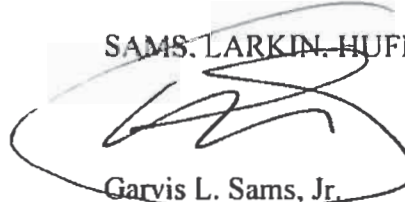
VIA EMAIL

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)



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

