



**APPLICANT:** Compass Self Storage

**PETITION NO:** Z-59

**PHONE#:** (770) 499-6565 **EMAIL:** css403@compassselfstorage.com

**HEARING DATE (PC):** 09-04-14

**REPRESENTATIVE:** Donald Housholder

**HEARING DATE (BOC):** 09-16-14

**PHONE#:** (770) 499-6565 **EMAIL:** css403@compassselfstorage.com

**PRESENT ZONING:** LI

**TITLEHOLDER:** Amsdell Storage Ventures X, LLC

with Stipulations

**PROPERTY LOCATION:** Northeast side of George Busbee Parkway,  
and on the west side of Frey Road  
(3885 Frey Road).

**PROPOSED ZONING:** LI

with Stipulations

**ACCESS TO PROPERTY:** Frey Road

**SIZE OF TRACT:** 3.615 acres

**PHYSICAL CHARACTERISTICS TO SITE:** Existing self-storage  
facility and U-Haul business

**DISTRICT:** 20

**LAND LOT(S):** 94

**PARCEL(S):** 249

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 3

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** City of Kennesaw/Multi-family Residential
- SOUTH:** GC/Convenience Store with Fuel Sales and Retail
- EAST:** RM-12/Multi-family Residential
- WEST:** I-75

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

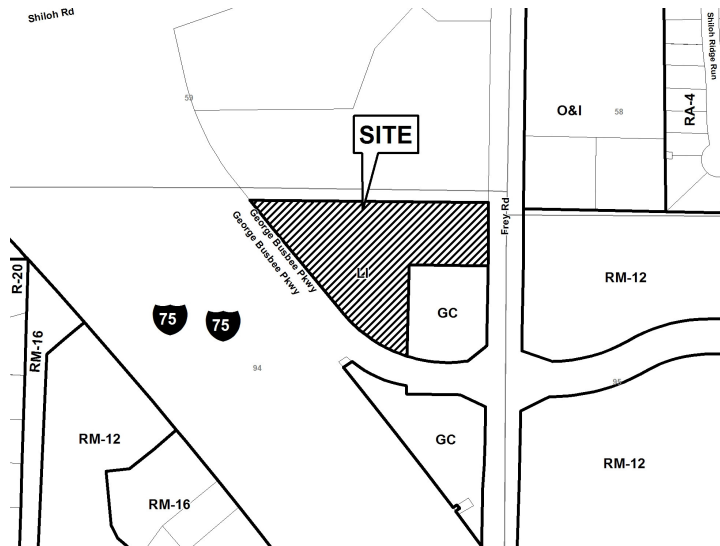
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

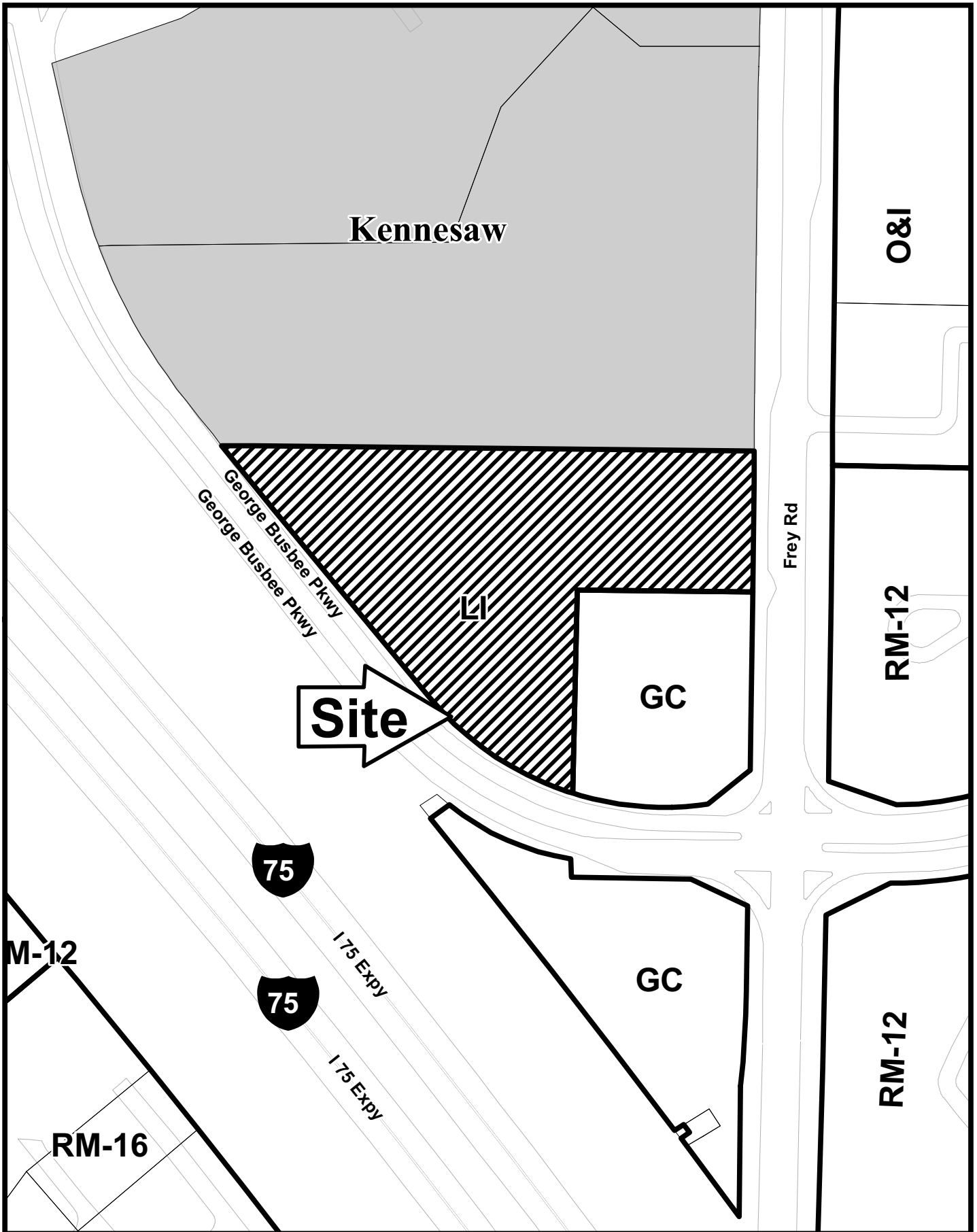
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**



# Z-59



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

0 100 200 Feet



City Boundary  
Zoning Boundary

APPLICANT: Compass Self Storage

PETITION NO.: Z-59

PRESENT ZONING: LI with Stipulations

PETITION FOR: LI W/S

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

**Land Use Plan Recommendation:** Community Activity Center (CAC)

**Proposed Number of Buildings:** 6 (Existing) **Total Square Footage of Development:** 37,972.99

**F.A.R.:** 0.24 **Square Footage/Acre:** 10,489.77

**Parking Spaces Required:** 13 **Parking Spaces Provided:** 4

Applicant is requesting to rezone from Light Industrial (LI) with stipulations to LI with stipulations. The property was rezoned in 1996 (Z-151, minutes attached) for the purpose of a self-storage facility *only*. The self-storage business added the U-Haul rental business 18 months ago and has two rotation trucks plus drop-offs, having a maximum of six trucks at a time. The hours of operation are Monday through Friday from 9:30 a.m. until 6 p.m., Saturday 9 a.m. until 5 p.m., and Sunday 10 a.m. until 3 p.m., and there are two employees.

The applicant will require a contemporaneous variance to waive the number of required parking spaces from 13 to four. The U-Haul business requires one space per employee and one per vehicle parked on site (maximum of six indicated by applicant) and the self-storage business requires a minimum of five spaces.

**Cemetery Preservation:** No comment.

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**FIRE COMMENTS:**

Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

APPLICANT: Compass Self Storage

PETITION NO.: Z-59

PRESENT ZONING: LI with Stipulations

PETITION FOR: LI W/S

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from LI with stipulations to LI with stipulations for purpose of self storage with U-haul. The 3.615 acre site is located on the northeast side of George Busbee Parkway and on the west side of Frey Road.

**Comprehensive Plan**

The parcel is within a Community Activity Center (CAC) future land use category, with LI zoning designation. The purpose of the CAC category is for areas that can meet the immediate needs of several neighborhoods or communities. Typical land uses for these areas include low to mid-rise office buildings and department stores.

**Master Plan/Corridor Study**

Not applicable.

**Historic Preservation**

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

**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.

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PRESENT ZONING: LI with Stipulations

PETITION FOR: LI W/S

\*\*\*\*\*

**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 Compass Self Storage

PETITION NO. Z-059

PRESENT ZONING LI w/Stips

PETITION FOR LI w/Stips

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**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): 12" Di / N side of George Busbee Parkway

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.

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**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: Noontday

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: Compass Self Storage**

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**PRESENT ZONING: LI w/ stips**

**PETITION FOR: LI w/ stips**

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<b>STORMWATER MANAGEMENT COMMENTS</b>
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No site changes are proposed. Any future expansion will be required to meet current stormwater management regulations.



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**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
Frey Road	10,100	Arterial	45 mph	Cobb County	100'
George Busbee Parkway	22,700	Arterial	35 mph	Cobb County	100'

*Based on 2005 traffic counting data taken by Cobb County DOT (Frey Road)  
Based on 2008 traffic counting data taken by Cobb County DOT (George Busbee Parkway)*

**COMMENTS AND OBSERVATIONS**

Frey 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.

George Busbee Parkway 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 access onto George Busbee Parkway along with turn lanes to be determined at Plan Review.

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

## STAFF RECOMMENDATIONS

### **Z-59 COMPASS SELF STORAGE**

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. This property has been used as a storage facility for a long time. Other nearby properties are zoned and developed for multi-family residential, office and retail uses.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The applicant's use would be compatible with other uses in the area.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Community Activity Center (CAC) land use category. The LI zoning category is not compatible with the CAC land use category. However, the property was zoned to LI for the specific use of a self-storage facility only in 1996. Staff feels that the additional use of the U-Haul business would be an ancillary use for the storage business. The site plan indicates four striped parking spaces, but the applicant has indicated that the trucks may be parked throughout the property beside some of the buildings.
- 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 approving the applicant's rezoning proposal. The property was zoned for a specific use with numerous stipulations. While other storage facilities also add truck rentals as an accessory use, Staff feels this property is not adequately designed to park the trucks for the additional use. Staff would recommend the applicant add five more parking spaces to accommodate the rental trucks.

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

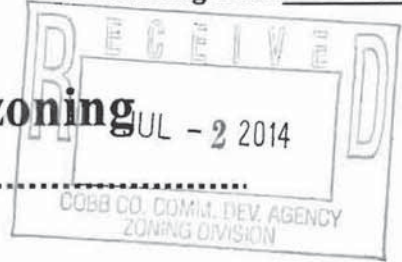
- Applicant to add five parking spaces to accommodate rental trucks;
- Fire Department comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Department of Transportation comments and recommendations.

**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.**

Complete



Application #: Z-59  
PC Hearing Date: 9-4-14  
BOC Hearing Date: 9-16-14



## Summary of Intent for Rezoning

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

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

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

- a) Proposed use(s): U-Haul truck rental location
- b) Proposed building architecture: N/A
- c) Proposed hours/days of operation: M-F 9:30 - 6:00; Sat. 9:00 - 5:00  
Sun 10:00 - 3:00
- d) List all requested variances: \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

.....  
**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). NO

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

Applicant signature: [Signature] Date: 6-27-14

Applicant name (printed): Todd C. Amsdell

# Application for Rezoning Cobb County

Z-59 (2014)  
Previous Minutes



Application No. 2-151  
PC Hearing: 12/3/14  
BOC Hearing: 12/17/14

Applicant Morgan Hodges Business Phone 770 966-9310 Home Phone 770 966-9272

J. Morgan Hodges Address 2812 Walkabout Dr. Acworth GA 3010  
(representative's name, printed)

[Signature] Business Phone \_\_\_\_\_  
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature]  
Notary Public

My Commission Expires April 29, 2009  
My commission expires: \_\_\_\_\_

Titleholder Towne View Baptist Church Business Phone (770) 928-7729 Home Phone \_\_\_\_\_

Signature [Signature] Address P.O. Box 440743 Kennesaw GA 30144  
(attach additional signatures, if needed) TRUSTEE

Signed, sealed and delivered in presence of:

[Signature]  
Notary Public

MY COMMISSION EXPIRES APRIL 5, 1998  
My commission expires: \_\_\_\_\_

Zoning Request From NS (present zoning) to LI (proposed zoning)

For the Purpose of Self Storage Facility Size of Tract 2.5 Acre(s)  
(subdivision, restaurant, warehouse, apt., etc.)

Location Frey Rd. near Towne Greene Blvd.  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) \_\_\_\_\_ District \_\_\_\_\_

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are such assets. If any, they are as follows:

[Signature]  
(applicant's signature)

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there is not such a cemetery. If any, they are as follows:

[Signature] 34  
(applicant's signature)





BROCK, CLAY, WILSON & ROGERS

ATTORNEYS AT LAW  
A PROFESSIONAL CORPORATION

49 ATLANTA STREET  
MARIETTA, GEORGIA 30060

TELEPHONE (770) 422-1776  
TELECOPIER (770) 426-6155  
INSIDE GA (800) 971-3555

D. GLENN BROCK  
CHARLES C. CLAY  
JON R. ERICKSON  
RICHARD W. CALHOUN  
BONNIE L. WILSON  
RANDALL F. ROGERS  
STEPHEN A. YAKLIN  
SYLVIA G. EAVES  
E. LINWOOD GUNN, IV  
LYNN A. ROCKOWITZ  
CHERYL L. OLIVER  
CHARLES L. CORDER, III  
JOHN C. BORDEN, IV  
MASON B. ROUNTREE  
DALE ANN BANDY  
TINA E. DUNSFORD  
NICHOLAS P. PANAYOTOPOULOS  
AMELIA M. BEVER

Z-151 of '96

Letter as referenced  
in zoning minutes of  
12-17-96. *to be*

VIA HAND DELIVERY

December 10, 1996

Mr. Bill Byrne, Chairman  
Mr. William A. Cooper  
Mr. C. Freeman Poole  
Mr. Joe L. Thompson  
Mr. Gordon J. Wysong  
BOARD OF COUNTY COMMISSIONERS  
100 Cherokee Street  
Marietta, Georgia 300909-9680

RE: Z-151 Board of Commissioners' Hearing 12/17/96  
Rezoning From NS to LI - Frey Road at I-75

Dear Chairman Byrne and Members of the Board of Commissioners:

I have a client who needs your support for his N.S. to LI Rezoning Application which you will hear on December 17, 1996.

Mr. Jim O'Neill has been trying to build a mini-warehouse project on Frey Road at Interstate 75 since approximately March of 1995. The rezoning you will hear on Tuesday is for the sole purpose of replacing a parcel Mr. O'Neill has lost to the County's Towne Green Boulevard Extension road project. The property to be rezoned directly adjoins what will be left of Mr. O'Neill's property after the County's road project is completed, and without this rezoning Mr. O'Neill cannot build his project.

Unfortunately, the property to be rezoned is located in a Community Activity Center and the Zoning Staff and Planning Commission have recommended that Mr. O'Neill's application be "deleted" to a CRC classification and that Mr. O'Neill apply later for a special land use permit in order to build his mini-warehouses. These recommendations will mean another two months delay and approximately \$100,000.00 in additional construction costs to Mr. O'Neill.



Mr. Bill Byrne  
Mr. William A. Cooper  
Mr. C. Freeman Poole  
Mr. Joe L. Thompson  
Mr. Gordon J. Wysong  
December 10, 1996  
Page Two


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In effect, these recommendations seem to say that the proposed use (Light Industrial) is too "intense" for the area, so Mr. O'Neill must "down zone" to CRC; however that he must then request special permission (a Special Land Use Permit) in order to build a type of development which is not ordinarily allowed in a CRC district because it is too "intense" for such a district. To the average person, this probably sounds like a strange process, and it is difficult for me to explain to Mr. O'Neill why he is having such a hard time simply replacing what the County has required that he sell.<sup>1</sup>

In fairness to Mr. O'Neill,<sup>2</sup> and in observance of the spirit and purpose of the County's zoning and land use plans, Mr. O'Neill and I would certainly appreciate your consideration and approval of his rezoning request to LI. Attached is a listing of agreeable zoning conditions which we believe are reasonable under the circumstances and which give the County assurance that Mr. O'Neill's project will be compatible with the area.

Sincerely,

BROCK, CLAY, WILSON & ROGERS, P.C.



Richard W. Calhoun  
For the Firm

RWC:msh

cc: James O'Neill  
Morgan Hodges  
Tim Poole

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<sup>1</sup> At the planning commission hearing, Mr. Tom Wilder, who opposed Mr. O'Neill's rezoning, stated that Mr. O'Neill was paid "a large amount of money" for his right of way. In fact, Mr. O'Neill received less for his property (\$140,000 per acre) than the adjoining owner (\$250,000 per acre).

Z-151 (1996)

1. The property will be used for a self-service storage facility (mini-warehouse) facility only.
2. The property will be fenced in its entirety.
3. A 40 foot undisturbed buffer and a 50 foot set back will be observed adjacent to the right of way of Frey Road; a 30 foot set back will be observed adjacent to the right of way of the proposed Towne Green Boulevard Extension.
4. Upon completion of the Towne Green Boulevard Extension, the principal entrance and permanent office will be relocated to the portion of the property fronting on the Towne Green Boulevard Extension.
5. The proposed office building for the development will be constructed of masonry and will include a pitched or gabled roof.
6. Not more than two storage buildings, located in the center of the property, will be two stories in height, and will be of split level design due to the topography of the site.
7. A 20 foot landscaping strip will be provided along the Towne Green Boulevard Extension frontage upon completion of the County's road project.
8. Pursuant to contract with the Towne View Baptist Church, a six foot high privacy fence will be erected on the common boundary of the subject property and the Towne View Baptist Church property.