

APPLICANT: Cooke Enterprises, Inc.
678-797-9797

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

TITLEHOLDER: San-Har, Inc.

PROPERTY LOCATION: Located at the northwest intersection of
Windy Hill Road and Spectrum Circle.

ACCESS TO PROPERTY: Spectrum Circle

PHYSICAL CHARACTERISTICS TO SITE: Vacant lot

PETITION NO: Z-29

HEARING DATE (PC): 07-01-08

HEARING DATE (BOC): 07-15-08

PRESENT ZONING: OMR

PROPOSED ZONING: OI

PROPOSED USE: Climate Controlled
Self-Service Storage Facility

SIZE OF TRACT: 1.195 acres

DISTRICT: 17

LAND LOT(S): 919, 920

PARCEL(S): 3

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** O&I/ Corporate Spectrum Offices
- SOUTH:** O&I/ Sporting Club at Windy Hill
- EAST:** O&I/ Corporate Spectrum Offices
- WEST:** RM-12/ Georgia Power substation

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

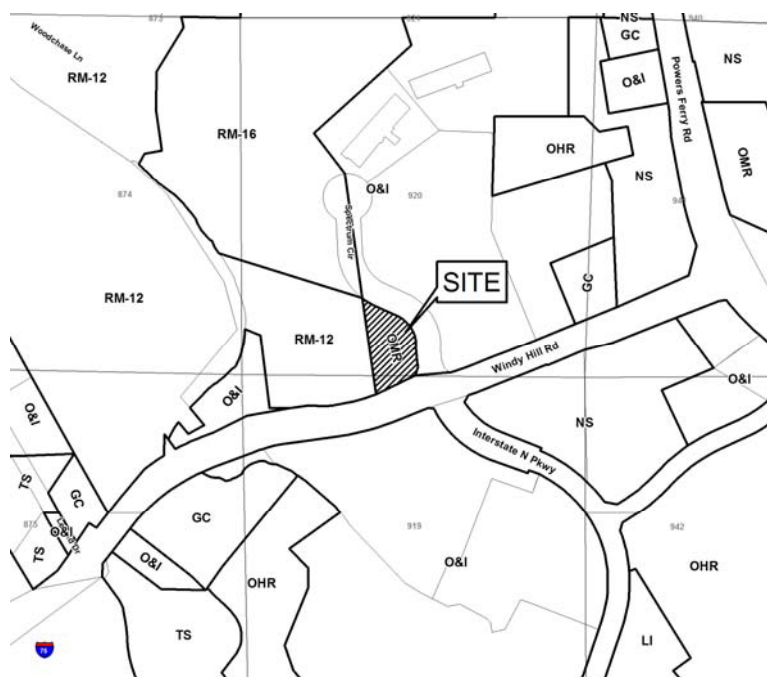
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

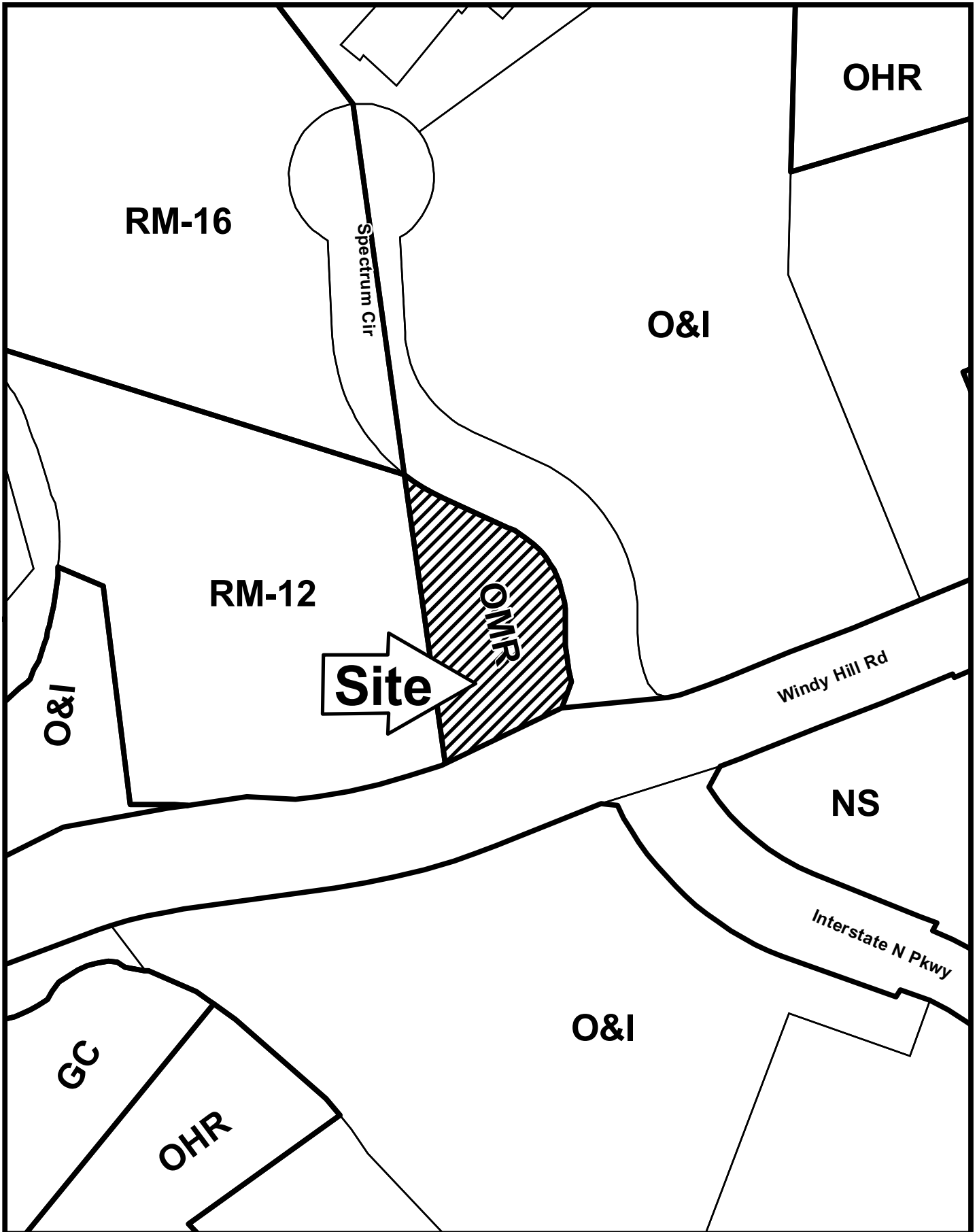
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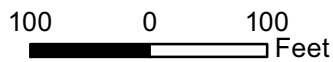
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



Z-29



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



 City Boundary
 Zoning Boundary

APPLICANT: Cooke Enterprises, Inc.

PETITION NO.: Z-29

PRESENT ZONING: OMR

PETITION FOR: O&I

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Regional Activity Center- Sub Area for High Density Res.

Proposed Number of Buildings: 1 Total Square Footage of Development: 109,325

F.A.R.: 2.1 Square Footage/Acre: 91,485

Parking Spaces Required: 35 Parking Spaces Provided: 16

The applicant is requesting the O&I zoning district to develop a climate controlled self-service storage facility. The proposed building would have an exterior of brick and EFIS on four sides. The building would contain four stories with a basement, and would have 870 storage units. The hours of operation will be 8:00 a.m. to 6:00 p.m. Monday through Saturday, and 1:00 p.m. to 6:00 p.m. on Sundays. The applicant has submitted a Zoning Impact Analysis, which is attached as Exhibit "A". The applicant has submitted two letters of agreeable stipulations (see Exhibit "B"). The applicant is showing contemporaneous variances which are:

1. Reduce the required amount of parking spaces from 35 parking space to 16 parking spaces;
2. Reduce the side setback from 15-feet to 5-feet;
3. Waive the 20-foot landscape buffer along the western property (adjacent to the Georgia Power Substation);
4. Waive the maximum Floor Area ratio from 0.75 to 2.1, per County Code (however, the Comprehensive Plan allows F.A.R.'s in R.A.C.'s to be up to 2.0); and
5. Waive the maximum building height, from three stories to five stories.

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.

Cemetery Preservation: No comment.

FIRE COMMENTS:

Fire Apparatus Access Road

All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20 feet, 25 feet inside turning radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor.

Dead-end access roads in excess of 150-feet shall be provided with a turn-around by one of the following methods:

Commercial: Cul-d-sac without an island to have a 60 foot paved radius **or** Hammerhead turn-around – total of 110 feet needed (45 feet + 20 foot wide roadway + 45 feet).

Fire Hydrant

Commercial: Fire hydrant within 500 feet of most remote part of structure.

APPLICANT Cooke Enterprises, Inc

PETITION NO. Z-029

PRESENT ZONING OMR

PETITION FOR OI

NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

WATER COMMENTS:

Available at Development? Yes No

Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s) 20" DI / N side Windy Hill Rd

Additional Comments: Also, 8" line across Spectrum Dr

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:

In Drainage Basin? Yes No

At Development? Yes No

Approximate Distance to Nearest Sewer: 480' W at creek

Estimated Waste Generation (in G.P.D.): **A D F** ~400 **Peak** ~1000

Treatment Plant: Sutton

Plant Capacity Available? Yes No

Line Capacity Available? Yes No

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

Dry Sewers Required? Yes No

Off-site Easements Required? Yes* No

Flow Test Required? Yes No

Septic Tank Recommended by this Department? Yes No

Subject to Health Department Approval? 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 easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

Applicant's engineer notes that an easement is of record

Notes FYI:

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 off site easements, dedication of on and/or off site 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: **Cooke Enterprises, Inc.**

PETITION NO.: **Z-29**

PRESENT ZONING: **OMR**

PETITION FOR: **O&I**

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: **Rottenwood Creek** 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 and existing Georgia Power detention pond to the west.
- 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 drainage system and existing Georgia Power detention pond to the west.

APPLICANT: Cooke Enterprises, Inc.

PETITION NO.: Z-29

PRESENT ZONING: OMR

PETITION FOR: O&I

DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill _____ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown _____
- 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/SUGGESTIONS

1. Approximately two-thirds of this site drains to the south into the Windy Hill Road R/W. The remainder of the site drains to the west into the adjacent Georgia Power substation property. The allowable discharges from both areas must account for the existing available downstream system capacity. A downstream hydrologic analysis will be required to evaluate the impact of increased runoff volume into the existing Georgia Power detention facility to the west. These issues must be addressed at Plan Review.
2. The proposed use of underground detention and limited site space will necessitate installation of proprietary water quality devices to meet stormwater requirements. A maintenance agreement must be provided and recorded to assure perpetual maintenance of this system. The must be addressed at Plan Review.

APPLICANT: Cooke Enterprises, Inc.

PETITION NO.: Z-29

PRESENT ZONING: OMR

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
Spectrum Circle	NA	Non-residential Local	25 mph	Cobb County	60'
Windy Hill Road	31870	Arterial	35 mph	Cobb County	100'

Based on 2006 traffic counting data taken by GDOT.

COMMENTS AND OBSERVATIONS

Spectrum Circle is classified as Non-residential Local, and according to the available information, each existing right-of-way does meet the minimum requirements for its classification.

The applicant will have to verify that minimum sight distance is available at the median break near the entrance and the exit driveway. If it is not, the applicant will have to implement remedial measures, subject to approval by the Department, to achieve the minimum requirement of 280' for the proposed access at its intersection with Spectrum Circle.

RECOMMENDATIONS

Recommend applicant verify that minimum intersection sight distance is available for ingress and egress maneuvers for the site and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 280'.

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

STAFF RECOMMENDATIONS

Z-29 COOKE ENTERPRISES, INC.

- 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. The applicant's proposal is aesthetically pleasing, and would look like an office building. Staff is concerned with all the variances being requested (see Planning Comments).

- B. It is Staff's opinion that the applicant's rezoning proposal may not have an adverse affect on the usability of adjacent or nearby property. Staff is very concerned with the intensity of the applicant's proposal. Most of the basic zoning criteria (FAR, height, and parking) cannot be met, which indicates this property may too small to support this proposal.

- 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.

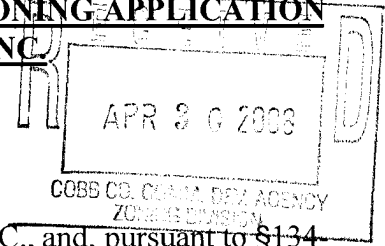
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within a Regional Activity Center, Sub Area for High Density Residential.

- 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 applicant's proposal does not meet many of the criteria for the OI zoning district, as referenced in the Planning Comments. Uses, such as this proposal, are allowable in this O&I zoning district. However, the intensity of the proposal may be too much to be supported by Staff.

Based on the above analysis, Staff recommends DENIAL.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

**ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION
OF COOKE ENTERPRISES, INC.**



COMES NOW, COOKE ENTERPRISES, INC., 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 Windy Hill 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 totality 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 owners of the subject property are suffering a significant economic detriment by virtue of the continuation of the present zoning classification of OMR.

- 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 Regional Activity Center (RAC).
- F. There is no substantial relationship between the existing zoning classification of OMR 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 Windy Hill Road Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 30th day of April, 2008.

SAMS, LARKIN & HUFF, LLP

By: 

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

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI*
MELISSA P. HAISTEN
JUSTIN H. MEEKS

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

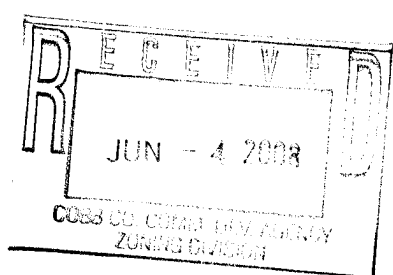
June 4, 2008

SAMSLARKINHUFF.COM

*ALSO LICENSED TO PRACTICE
IN ALABAMA

**VIA HAND DELIVERY and
E-MAIL**

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



Re: Application of Cooke Enterprises, Inc. to Rezone a
1.195 Acre Tract from OMR to O&I (No. Z-29)

Application of Cooke Enterprises, Inc., for Special Land Use
Permit (No. SLUP-11)

Dear John:

You will recall that this firm has been engaged by and represents Cooke Enterprises, Inc. concerning the above-captioned Applications for Rezoning and Special Land Use Permit. The Application for Rezoning is scheduled to be heard and considered by the Cobb County Planning Commission on July 1, 2008 and, thereafter, is scheduled to be heard and considered by the Cobb County Board of Commissioners on July 15, 2008. The Application for the Special Land Use Permit will be heard on the following cycle by the Planning Commission on August 5, 2008 and by the Board of Commissioners on August 19, 2008.

Consistent with the dialogue which we have established with the County's staff, enclosed please find the requisite number of copies of a revised site plan. Also enclosed are copies of the Sight Distance Profile. The balance of this letter will 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:

VIA HAND DELIVERY and
E-MAIL

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 2
June 4, 2008

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 applications.
2. The architectural style and composition of the building shall be consistent with the rendering/elevation which shall be submitted under separate cover and which shall include exterior materials consisting of brick and E.I.F.S.
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. Additionally, an agreement to exclude all other uses permitted under the O&I District except for those permitted uses related to the moving and storage business.¹
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.
6. The submission of a landscape plan during the Plan Review process subject to the Arborist's review and approval. Additionally, all mechanical equipment and dumpsters shall be screened from view of the adjoining properties and public rights-of-way in accordance with the architectural style and composition as aforementioned.
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 ponds.

¹ The subject property is located in an area under the Cobb County Future Land Use Map which is denominated as a Regional Activity Center ("RAC") and is presently zoned and approved for the development of an eight-story hotel.

VIA HAND DELIVERY and
E-MAIL

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 3
June 4, 2008

8. Subject to recommendations from the Cobb County Department of Transportation and the Georgia Department of Transportation with respect to traffic/transportational issues, including the following:
 - a. Verification that sight distance is available for a minimum of two-hundred feet (200') at all points of ingress/egress or the implementation of remedial measures in which to mitigate same.
 - b. Replacing any sidewalk, curb or gutter which is disturbed during the construction process.
9. Subject to recommendations from the Cobb County Water System with respect to the accessibility and availability of sewer and water and issues attendant thereto.
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.
11. Subject to recommendations from the Cobb County Fire Department as contained within the Zoning Analysis.
12. 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.
13. If the subject property is determined to be undevelopable for the purposes sought by the applicant or, if for any reason, the closing on the subject property does not take place within six (6) months from the date of a successful rezoning of same, then, and in such an event(s), the zoning classification of the subject property shall revert to the original classification of OMR without further action being necessary on the part of Cobb County or the owner of the subject property.
14. The District Commissioner shall have the authority to make minor modifications to the site plan, the architectural renderings/elevations and these stipulations/conditions during the Plan Review Process.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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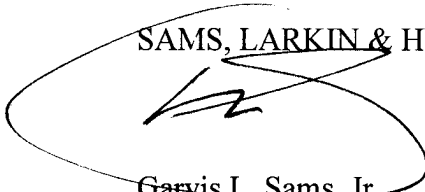
Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 4
June 4, 2008

The subject property is located within the confines of a Regional Activity Center ("RAC") as shown on Cobb County's Future Land Use Map and is positioned within an area of the Windy Hill Road Corridor which is appropriate for utilization as proposed. In that regard, both the Application for Rezoning (down zoning) and the Application for a Special Land Use Permit are properly positioned for approval as being consistent with provisions of the Future Land Use Map and the Comprehensive Land Use Plan.

Please do not hesitate to call should you or the staff require any further information or documentation prior to the formulation of your recommendations to the Planning Commission and Board of Commissioners. With regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.

gsams@samslarkinhuff.com

GLSjr/jbmc

Enclosures

cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery – w/enclosures
Members, Cobb County Planning Commission – VIA E-Mail and First Class Mail –
w/enclosures
Mr. Robert L. Hosack, Jr., AICP, Director – VIA E-Mail – w/attachments
Mr. Mark A. Danneman, Manager – VIA E-Mail – w/attachments
Mr. John M. Morey, P.E. – VIA E-Mail – w/attachments
Mr. David W. Breaden, P.E. – VIA E-Mail – w/attachments
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery – w/enclosures
Ms. Lori Presnell, Deputy County Clerk – VIA Hand Delivery – w/enclosures
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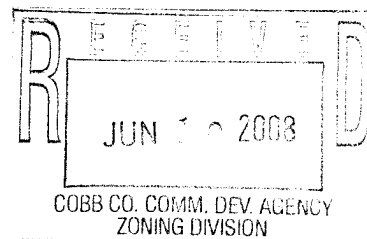
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Application of Cooke Enterprises, Inc., for Special Land Use
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Dear John:

As you know, this firm has been engaged by and represents Cooke Enterprises, Inc. concerning the above-captioned Applications. In that regard, I submitted a letter of agreeable stipulations/conditions to you last week on June 4, 2008. The letter referred to the fact that the architectural style and composition of the building will be consistent with renderings/elevations which will be submitted under separate cover.

With respect to the foregoing, attached are renderings/elevations depicting the climate controlled self service storage facility which Cooke Enterprises has built on Dallas Highway at the Shops at Lost Mountain. Also attached are photographs depicting the self service storage facility which Cooke Enterprises has built further east on Dallas Highway. You will recall that People Looking After Neighborhoods ("PLAN") representatives had input into and ultimately approved the architectural style and composition of both facilities.

The purpose of this letter is to agree, as a stipulation/condition of the rezoning, that the architectural style and composition of the building proposed for Windy Hill Road will be in substantial conformity to the renderings/elevations and photographs attached to this letter.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA E-MAIL

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 2
June 10, 2008

Please do not hesitate to call should you have any questions whatsoever regarding these matters.

Very truly yours,

SAMS, LARKIN & HUFF, LLP

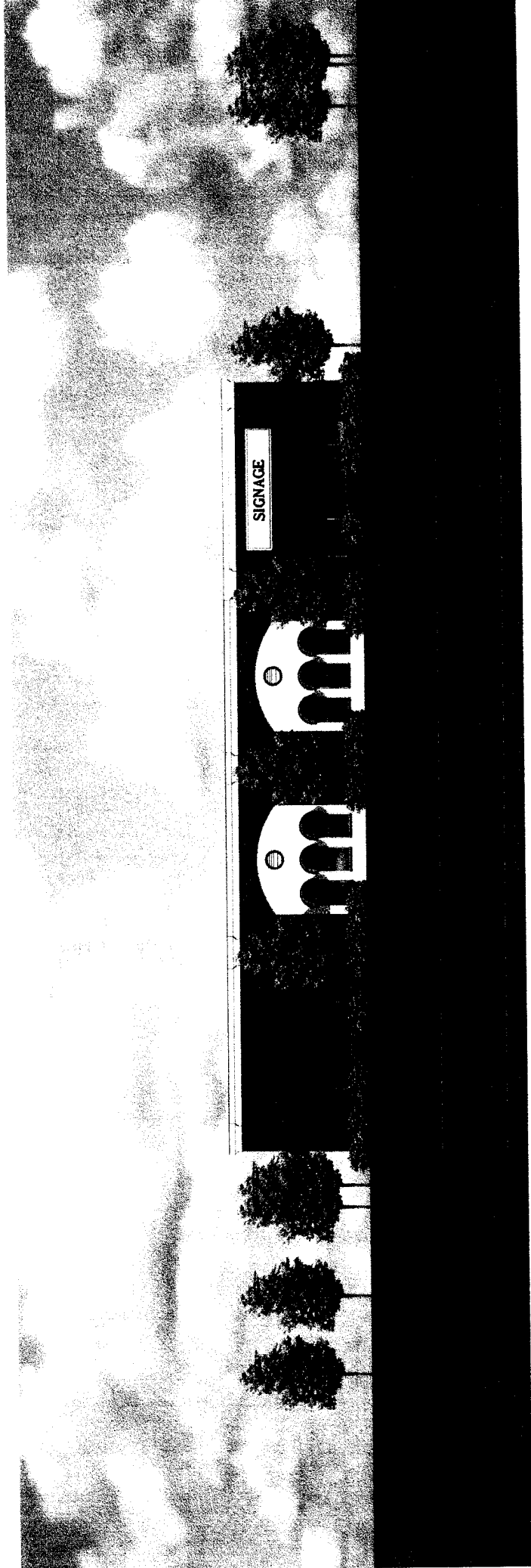


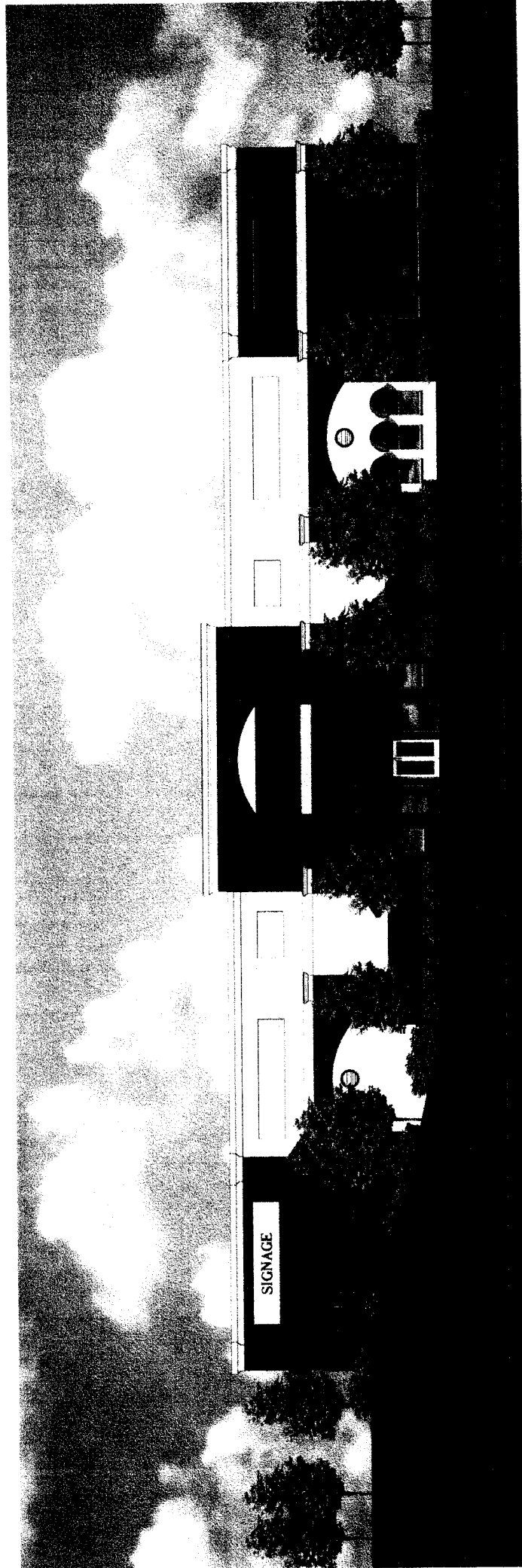
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GLSjr/jbmc
Enclosures

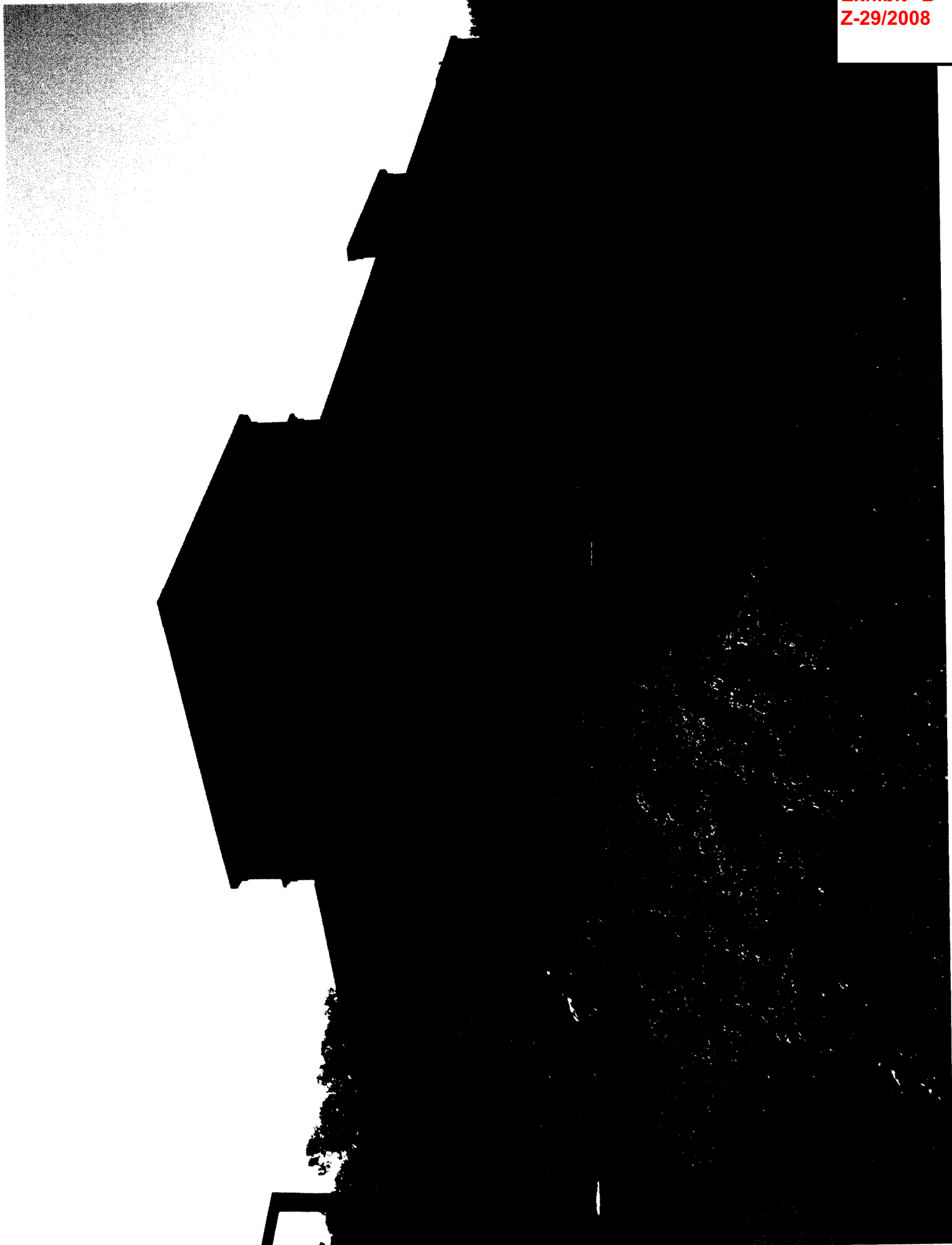
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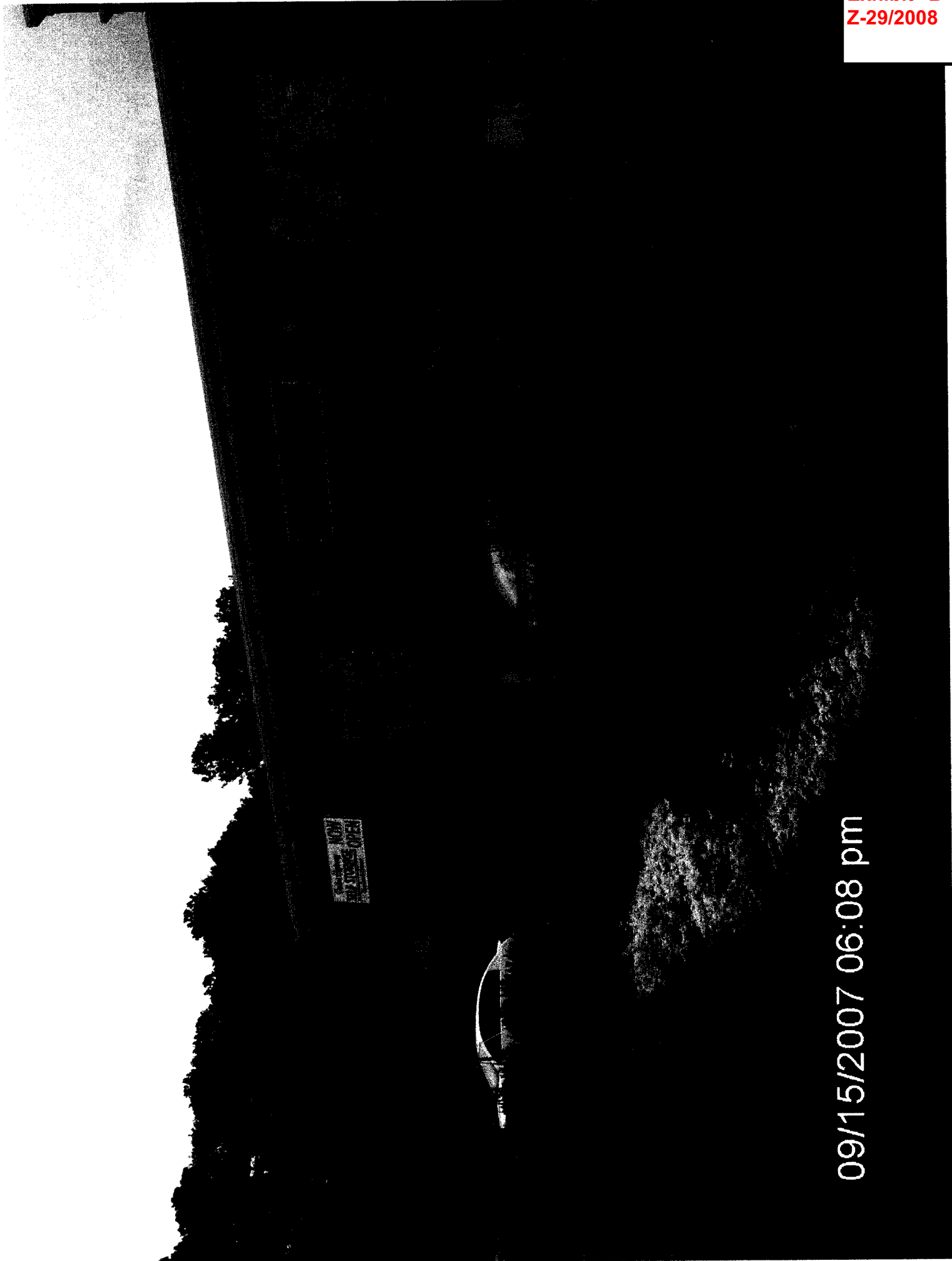
THE SHOPS AT LOST MOUNTAIN





DALLAS HIGHWAY SELF STORAGE





09/15/2007 06:08 pm