

**MARCH 20, 2012 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 2**

**ITEM #3**

**PURPOSE**

To consider a stipulation amendment for Stor-All Systems, Inc. regarding case SLUP-5 of 2005, for property located in Land Lot 842 of the 17<sup>th</sup> District, at the northwest intersection of Paces Ferry Road and Cumberland Parkway.

**BACKGROUND**

The subject property is zoned GC with stipulations for a car wash per Other Business item #2 from July 19, 2011. Prior to that the property was zoned for a climate controlled self service storage facility per a settlement of litigation agreement concerning SLUP-5 of 2005. The car wash concept has been abandoned by Smith Auto Spa. The owner of the property would like to amend the zoning stipulations back to the previously approved stipulations for the storage facility. If approved, all stipulations from Other Business item #1 of April 21, 2009 would be put back into full force and effect. The Board of Commissioners' decision is attached.

**FUNDING**

N/A

**RECOMMENDATION**

The Board of Commissioners conduct a Public Hearing and consider the site plan and stipulation amendment.

**ATTACHMENTS**

Other Business application and SLUP-5 of 2005 stipulations

# Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)


BOC Hearing Date Requested: 03/20/12

Applicant: Stor-All Systems, Inc. Phone #: (954) 421-7888  
(applicant's name printed)

Address: 1375 West Hillsboro Blvd., Deerfield Beach, FL 33442 E-Mail: larrya@stor-all.com  
SAMS, LARKIN & HUFF, LLP 376 Powder Springs Street, Suite 100

Garvis L. Sams, Jr. Address: Marietta, GA 30064

(representative's name, printed)

 Phone #: (770) 422-7016 E-Mail: gsams@samslarkinbuff.com  
(representative's signature)

Signed, sealed and delivered in presence of:

Rebecca R. Lavergne My commission expires: \_\_\_\_\_  
Notary Public



Titleholder(s) DUNWOODY SELF STORAGE II, LLC Phone #: (404) 272-2518  
(property owner's name, printed)

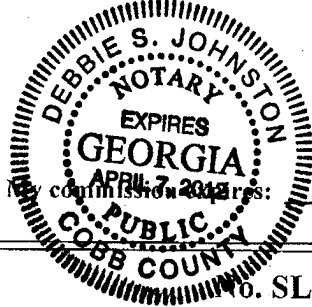
By: Tom Linder

Address 1105 Mount Vernon Highway, Sandy Springs, GA 30328 E-Mail: tommlinder@yahoo.com

Thomas M. Linder  
(Property owner's signature)

Signed, sealed and delivered in presence of:

Debbie S. Johnston My commission expires: \_\_\_\_\_  
Notary Public



Commission District: 2 (Ott) Zoning Case: 6. SLUP-5 (2005)  
OBA Item # 1 (April 21, 2009)  
OBA Item # 2 (July 19, 2011)

Date of Zoning Decision: March 15, 2005 Original Date of Hearing: March 15, 2005  
April 21, 2009 April 21, 2009  
July 19, 2011 July 19, 2-11

Location: Northwest quadrant of the intersection of Paces Ferry Road and Cumberland Parkway

Land Lot(s): 842 District(s): 17

State specifically the need or reason(s) for Other Business: To rescind the Board of Commissioners' approval of Other Business Item # 2 (July 19, 2011) in order to reinstate the settlement of litigation approved by the Board of Commissioners on April 21, 2009.

(List or attach additional information if needed)

# Application for Special Land Use Permit

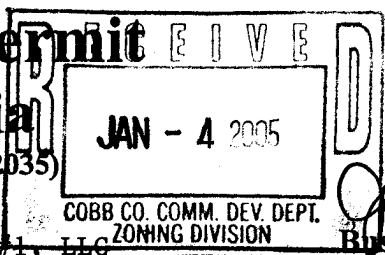
## Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

Application No. SLUP-5

PC Hearing Date: 3/01/05

BOC Hearing Date: 3/15/05



Applicant Annox Self Storage #1, LLC Business Phone 404/272-2518  
(applicant's name printed)

Address 605 Townsend Place, N.W. Atlanta, GA 30308 Home Phone \_\_\_\_\_

SAMS, LARKIN & HUFF, LLP Address 376 Powder Springs Street, Suite 100  
Garvis L. Sams, Jr. Marietta, GA 30064

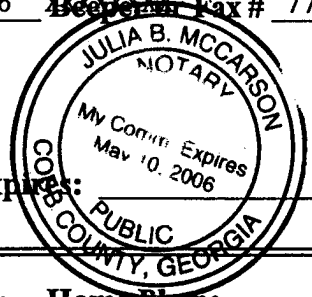
(representative's name, printed)

[Signature] Business Phone 770/422-7016 ~~Home Phone~~ Fax # 770/426-6583  
(representative's signature)

Signed, sealed and delivered in presence of:

Julia B. McCarson  
Notary Public

My commission expires: \_\_\_\_\_



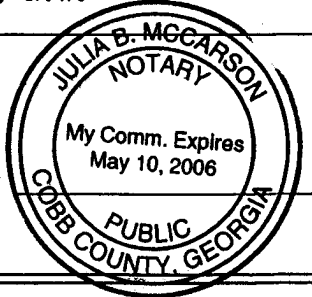
Titleholder Annox Self Storage #1, LLC Business Phone 404/272-2518 Home Phone \_\_\_\_\_  
(titleholder's name, printed)

Signature By: Tom [Signature] Address 605 Townsend Place, N.W. Atlanta, GA  
(attach additional signature, if needed)

Signed, sealed and delivered in presence of:

Julia B. McCarson  
Notary Public

My commission expires: \_\_\_\_\_



Present Zoning GC Size of Tract .979 Acre(s)

For the Purpose of Climate Controlled Self Service Storage Facility

Location Northwest intersection of Cumberland Parkway and Paces Ferry Road  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 842 District(s) 17th

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there ~~are~~ are no such assets. If any exist, provide documentation with this application.  
ANNOX SELF STORAGE #1, LLC  
By: \_\_\_\_\_  
(applicant's signature)

Garvis L. Sams, Jr., Attorney for Applicant

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there ~~is~~ is not such a cemetery. If any exist, provide documentation with this application.  
ANNOX SELF STORAGE #1, LLC  
By: \_\_\_\_\_  
(applicant's signature)

Garvis L. Sams, Jr., Attorney for Applicant

PAGE 2 OF \_\_\_\_\_

APPLICATION NO. SLUP-5

ORIGINAL DATE OF APPLICATION: 03-15-05

APPLICANTS NAME: ANNOX SELF STORAGE #1, LLC

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS

**BOC DECISION OF 03-15-05 ZONING HEARING:**

**ANNOX SELF STORAGE #1, LLC for a Special Land Use Permit for the purpose of a Climate Controlled Self Service Storage Facility in Land Lot 842 of the 17<sup>th</sup> District. Located at the northwest intersection of Paces Ferry Road and Cumberland Parkway. (Continued by the Planning Commission from their March 1, 2005 hearing; therefore was not considered at this hearing)**

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APPLICATION NO. SLUP-5

ORIGINAL DATE OF APPLICATION: 03-15-05

APPLICANTS NAME: ANNOX SELF STORAGE #1, LLC

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS

**BOC DECISION OF 04-19-05 ZONING HEARING:**

**ANNOX SELF STORAGE #1, LLC for a Special Land Use Permit for the purpose of a Climate Controlled Self Service Storage Facility in Land Lot 842 of the 17<sup>th</sup> District. Located at the northwest intersection of Paces Ferry Road and Cumberland Parkway. (Previously continued by the Planning Commission from their March 1, 2005 and April 5, 2005 hearings; therefore will not be considered at this hearing)**

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APPLICATION NO. SLUP-5

ORIGINAL DATE OF APPLICATION: 03-15-05

APPLICANTS NAME: ANNOX SELF STORAGE #1, LLC

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS

**BOC DECISION OF 05-17-05 ZONING HEARING:**

**ANNOX SELF STORAGE #1, LLC for a Special Land Use Permit for the purpose of a Climate Controlled Self Service Storage Facility in Land Lot 842 of the 17<sup>th</sup> District. Located at the northwest intersection of Paces Ferry Road and Cumberland Parkway. *(Continued by the Planning Commission from their March 1, 2005 and April 5, 2005 hearings and continued by Staff from the May 3, 2005 Planning Commission hearing; therefore will not be considered at this hearing)***

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APPLICATION NO. SLUP-5

ORIGINAL DATE OF APPLICATION: 03-15-05

APPLICANTS NAME: ANNOX SELF STORAGE #1, LLC

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS

**BOC DECISION OF 06-21-05 ZONING HEARING:**

**ANNOX SELF STORAGE #1, LLC** for a **Special Land Use Permit** for the purpose of a Climate Controlled Self Service Storage Facility in Land Lot 842 of the 17<sup>th</sup> District. Located at the northwest intersection of Paces Ferry Road and Cumberland Parkway. *(Continued by the Planning Commission from their March 1, 2005 and April 5, 2005 hearings and previously continued by Staff from the May 3, 2005 and June 7, 2005 Planning Commission hearings; therefore was not considered at this hearing)*

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APPLICATION NO. SLUP-5

ORIGINAL DATE OF APPLICATION: 03-15-05

APPLICANTS NAME: ANNOX SELF STORAGE #1, LLC

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS

**BOC DECISION OF 10-18-05 ZONING HEARING:**

**ANNOX SELF STORAGE #1, LLC, (owner) requesting a Special Land Use Permit for the purpose of a Climate Controlled Self Service Storage Facility in Land Lot 842 of the 17<sup>th</sup> District. Located at the northwest intersection of Paces Ferry Road and Cumberland Parkway. *(Continued by the Planning Commission from their March 1, 2005 and April 5, 2005 hearings and continued by Staff from the May 3, 2005, June 7, 2005, July 7, 2005, August 2, 2005, September 8, 2005 and October 4, 2005 Planning Commission hearings; therefore was not considered at this hearing)***



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APPLICATION NO. SLUP-5

ORIGINAL DATE OF APPLICATION: 03-15-05

APPLICANTS NAME: ANNOX SELF STORAGE #1, LLC

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS

**BOC DECISION OF 11-15-05 ZONING HEARING:**

**ANNOX SELF STORAGE #1, LLC, (owner) requesting a Special Land Use Permit for the purpose of a Climate Controlled Self Service Storage Facility in Land Lot 842 of the 17<sup>th</sup> District. Located at the northwest intersection of Paces Ferry Road and Cumberland Parkway. *(Continued by the Planning Commission from their March 1, 2005 and April 5, 2005 hearings, continued by Staff from the May 3, 2005, June 7, 2005, July 7, 2005, August 2, 2005, September 8, 2005 and October 4, 2005 Planning Commission hearings and continued by the Planning Commission from their November 1, 2005 hearing until their February 7, 2006 hearing; therefore was not considered at this hearing)***

ORIGINAL DATE OF APPLICATION: 12-20-05

APPLICANTS NAME: ANNOX SELF STORAGE #1, LLC

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS

**BOC DECISION OF 12-20-05 ZONING HEARING:**

**ANNOX SELF STORAGE #1, LLC, (owner) requesting a Special Land Use Permit for the purpose of a Climate Controlled Self Service Storage Facility in Land Lot 842 of the 17<sup>th</sup> District. Located at the northwest intersection of Paces Ferry Road and Cumberland Parkway. *(Continued by the Planning Commission from their March 1, 2005 and April 5, 2005 hearings, continued by Staff from the May 3, 2005, June 7, 2005, July 7, 2005, August 2, 2005, September 8, 2005 and October 4, 2005 Planning Commission hearings and continued by the Planning Commission from their November 1, 2005 hearing until their February 7, 2006 hearing; therefore was not considered at this hearing)***

ORIGINAL DATE OF APPLICATION: 03-15-05

APPLICANTS NAME: ANNOX SELF STORAGE #1, LLC

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS

**BOC DECISION OF 02-21-06 ZONING HEARING:**

**ANNOX SELF STORAGE #1, LLC**, (owner) requesting a **Special Land Use Permit** for the purpose of a Climate Controlled Self Service Storage Facility in Land Lot 842 of the 17<sup>th</sup> District. Located at the northwest intersection of Paces Ferry Road and Cumberland Parkway.

The public hearing was opened and Mr. Doug Dillard, Mr. Marion Waters, and Mr. Ron Sifen addressed the Board. Following presentations and discussion, the following motion was made:

**MOTION:** Motion by Thompson, second by Goreham, to **reject** Special Land Use Permit.

**VOTE:** **ADOPTED** 4-1, Kesting opposed

**Clerk's Note:** County Attorney's Office was directed to write a letter to Georgia Department of Transportation regarding the decision in this matter, the access issues, and the impact on this Applicant.

ORIGINAL DATE OF APPLICATION: 03-15-05APPLICANTS NAME: ANNOX SELF STORAGE #1, LLC

**THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS**

**BOC DECISION OF 04-21-09 ZONING HEARING:****OTHER BUSINESS ITEM #1 – TO CONSIDER A SETTLEMENT OF LITIGATION PROPOSAL REGARDING SLUP-5 (ANNOX SELF STORAGE #1, LLC) OF MARCH 15, 2005**

To consider a Settlement of Litigation proposal regarding SLUP-5 (ANNOX SELF STORAGE #1, LLC) of March 15, 2005, for a Special Land Use Permit for the purpose of a Climate Controlled Self-Service Storage Facility in Land Lot 842 of the 17th District, located at the northwest intersection of Paces Ferry Road and Cumberland Parkway.

Mr. Rob Hosack, Director of Community Development, provided information regarding settlement of litigation proposal; reporting that a Special Land Use Permit was no longer required due to code amendments that now allow this as free standing use, and with the underlying GC zoning category permitting the use. The public hearing was opened, and Mr. Doug Dillard addressed the Board. After presentation and discussion, the following motion was made:

**MOTION:** Motion by Ott, second by Thompson, to **approve** Other Business Item #1 relative to Settlement of Litigation proposal regarding SLUP-5 (Annox Self Storage #1, LLC) of March 15, 2005, for property located at the northwest intersection of Paces Ferry Road and Cumberland Parkway, in Land Lot 842 of the 17th District, and **authorize** settlement of litigation regarding *Cobb Superior Court Civil Action File No. 06-1-2334-40* subject to:

- settlement agreement submitted by Mr. Doug Dillard dated April 13, 2009 *with the following change (attached and made a part of these minutes):*
  - Page No. 2 - Item No. 2 – to now read: *“Right-in/right-out only turning movements with respect to the Property’s point of ingress/egress on Cumberland Parkway as shown on site plan last revised 4-20-2009.”*
- District Commissioner may approve minor modifications
- departmental comments and recommendations, *not in conflict with the settlement agreement*, during the Plan Review process

**VOTE:** ADOPTED unanimously

REVISIONS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100



**LOCATION FOR MAP**  
 TO BE FILED WITH THE  
 LAND LOT 842, 17TH DISTRICT, 2ND SECTION  
 COCS COUNTY, GEORGIA

**PROPOSED BUILDING SETBACK LINES:**  
 FRONT: 10 FT.  
 REAR: 10 FT.  
 SIDE: 10 FT.  
 CORNER: 10 FT.

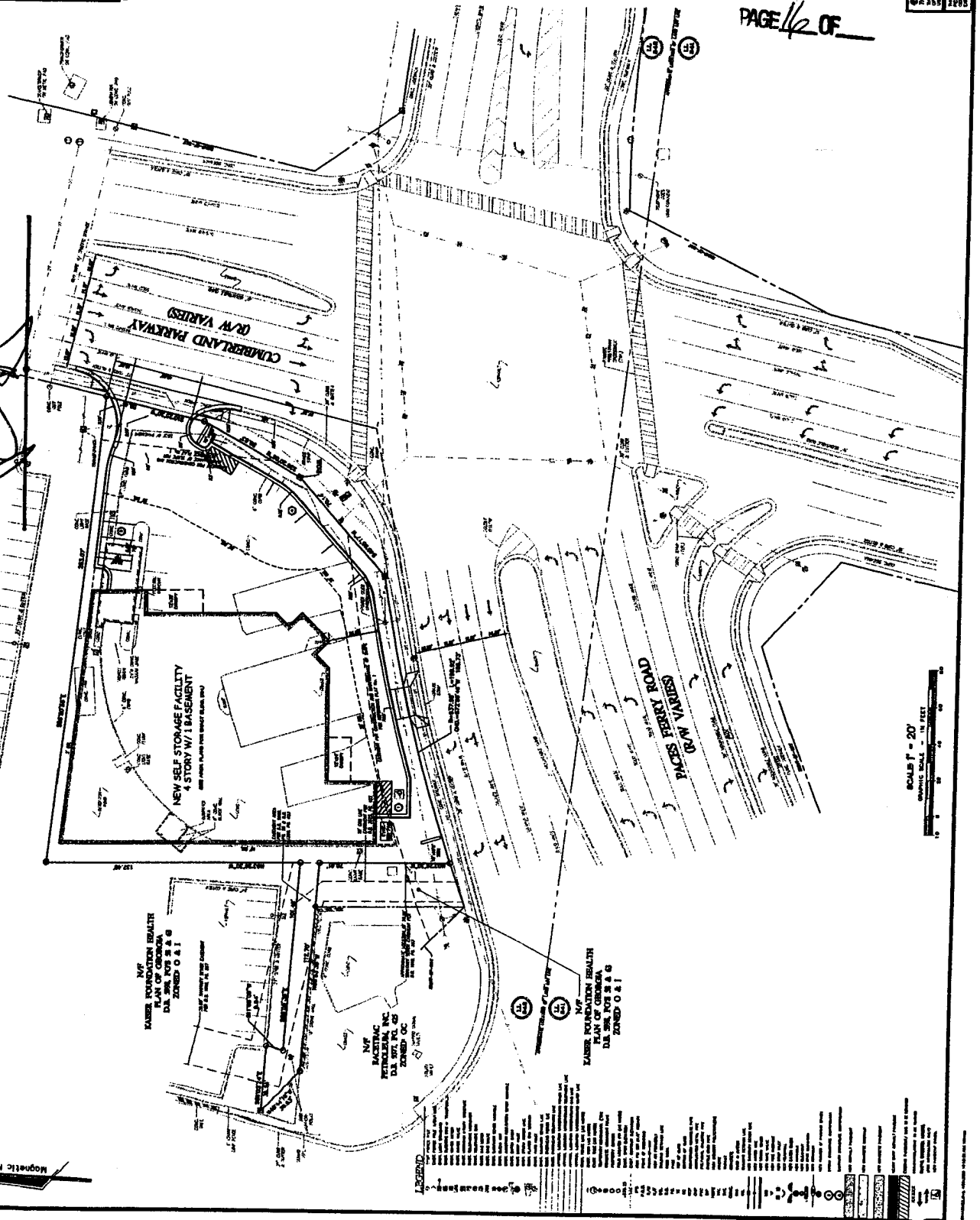
**PROPOSED BUILDING SUMMARY:**  
 TYPE: SELF STORAGE  
 FLOOR AREA: 100,000 SQ. FT.  
 HEIGHT: 4 STORIES  
 TOTAL AREA: 400,000 SQ. FT.

**PETITION NO. OB#1: SLLIP-5 of 2005**  
**MEETING DATE 4-21-2009**  
**Continued**

**Rob Hosack**  
 NP  
 KAMBER FOUNDATION HEALTH  
 PLAN OF GEORGIA  
 DIA 200, P03 84 G  
 ZONED O 4.1

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 NP  
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 DIA 200, P03 84 G  
 ZONED O 4.1



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**SCALE: 1" = 20'**  
 GRAPHIC SCALE - IN FEET

**LEGEND**

- Proposed Building Footprint
- Proposed Building Setback Lines
- Proposed Parking
- Proposed Driveway
- Proposed Road
- Proposed Right-of-Way
- Proposed Utility Lines
- Proposed Easement
- Proposed Survey
- Proposed Boundary
- Proposed Corner
- Proposed Intersection
- Proposed Curve
- Proposed Tangent
- Proposed Stationing
- Proposed Elevation
- Proposed Spot Elevation
- Proposed Contour
- Proposed Spot Contour
- Proposed Spot Elevation
- Proposed Spot Contour
- Proposed Spot Elevation
- Proposed Spot Contour



Smallwood, Reynolds,  
Stewart, Shawyer  
& Associates, Inc.

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
JULY 19, 2011  
PAGE 8**

~~**OTHER BUSINESS (Continued):**~~

~~**ITEM NO. 1 (Continued):**~~

- ~~• site plan dated June 4, 2011 (attached and made a part of these minutes)~~
- ~~• letter from Ms. Robbin Yeager referenced as Exhibit C (attached and made a part of these minutes)~~
- ~~• number of felines limited to 150, with 50 of said felines to be rescued from Cobb County Animal Control, and with the possibility of increasing population to 200 pending a signed agreement with Good Mews Animal Foundation, Animal Control, and Cobb County~~
- ~~• all other previous conditions and stipulations, *not otherwise in conflict*, to remain in effect~~

~~VOTE: ADOPTED unanimously~~

**ITEM NO. 2:**

To consider a site plan and stipulation amendment for Smith Auto Spa Vinings, LLC regarding SLUP-5 of 2005, for property located at the northwest intersection of Paces Ferry Road and Cumberland Parkway in Land Lot 842 of the 17<sup>th</sup> District.

Mr. John Pederson, Zoning Division Manager, provided updated information regarding request to amend the site plan and stipulations for Smith Auto Spa Vinings, LLC to allow the construction of a high-end carwash. The public hearing was opened and Mr. Garvis L. Sams, Jr. addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Thompson, to approve Other Business Item No. 2 for Auto Spa Vinings, LLC regarding SLUP-5 of 2005 for property located on the north side of Paces Ferry Road and Cumberland Parkway in Land Lot 842 of the 17<sup>th</sup> District, **subject to:**

- site plan received by the Zoning Division June 15, 2011, including variances shown on plan (attached and made a part of these minutes)
- architectural elevations submitted with application (attached and made a part of these minutes)
- hours of operation to be 9 a.m. to 6 p.m., seven (7) days a week
- all other previous conditions and stipulations, *not otherwise in conflict*, to remain in effect

VOTE: ADOPTED unanimously

# CACTUS CARWASH - VININGS

ZONING MAP PLAN

027 Park Drive - Vinings  
 Planning Commission  
 027 Park Drive - Vinings



027 Park Drive - Vinings  
 Planning Commission  
 027 Park Drive - Vinings

**SMITH AUTO SPA**  
 COUNTRY DEVELOPER  
 400 W. Peachtree Street, N.W.  
 Atlanta, GA 30308  
 404-525-4444

**SITE ADDRESS:**  
 200 PARK DRIVE, VININGS, GA 30088

**SITE AREA:**  
 200,000 SQ. FT.

**SITE ZONING, GC:**  
 R-10

**PROPOSED BUILDING FOOTPRINT LINES:**  
 100,000 SQ. FT.

**BUILDING SUMMARY:**  
 2-STORY

**USE:**  
 CARWASH

**DATE:**  
 11/19/01

**PREPARED BY:**  
 [Name]

**SCALE:**  
 1" = 100'

**NOTES:**  
 1. SEE ATTACHED SITE PLAN FOR DETAILS.

**APPROVED BY:**  
 [Signature]

**DATE:**  
 11/19/01

**SCALE:**  
 1" = 100'

**NOTES:**  
 1. SEE ATTACHED SITE PLAN FOR DETAILS.

**APPROVED BY:**  
 [Signature]

**DATE:**  
 11/19/01

**SCALE:**  
 1" = 100'

**NOTES:**  
 1. SEE ATTACHED SITE PLAN FOR DETAILS.

**APPROVED BY:**  
 [Signature]

**DATE:**  
 11/19/01

**SCALE:**  
 1" = 100'

**NOTES:**  
 1. SEE ATTACHED SITE PLAN FOR DETAILS.

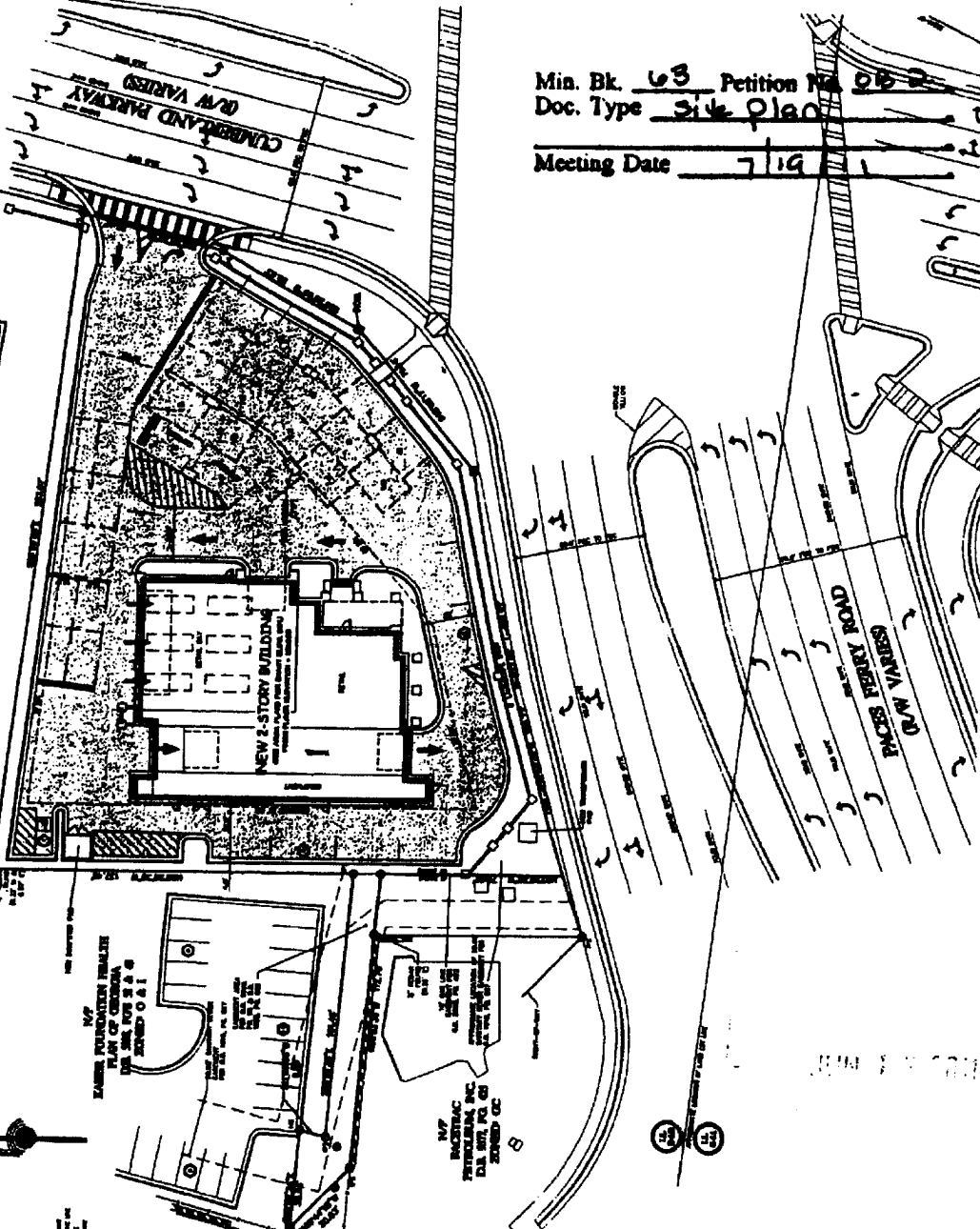
**APPROVED BY:**  
 [Signature]

**DATE:**  
 11/19/01

**SCALE:**  
 1" = 100'

**NOTES:**  
 1. SEE ATTACHED SITE PLAN FOR DETAILS.

Min. Bk. 63 Petition No. 08-2  
 Doc. Type Site Plan  
 Meeting Date 7/19



**REMARKS:**  
 1. SEE ATTACHED SITE PLAN FOR DETAILS.  
 2. SEE ATTACHED SITE PLAN FOR DETAILS.  
 3. SEE ATTACHED SITE PLAN FOR DETAILS.  
 4. SEE ATTACHED SITE PLAN FOR DETAILS.  
 5. SEE ATTACHED SITE PLAN FOR DETAILS.  
 6. SEE ATTACHED SITE PLAN FOR DETAILS.  
 7. SEE ATTACHED SITE PLAN FOR DETAILS.  
 8. SEE ATTACHED SITE PLAN FOR DETAILS.  
 9. SEE ATTACHED SITE PLAN FOR DETAILS.  
 10. SEE ATTACHED SITE PLAN FOR DETAILS.



