

Z-4
(2014)

WINDY HILL SEIL

ZONING PLAN



PROJECT NO.	15052311
DATE	12/11/13
SCALE	1" = 100'
DRAWN BY	...
CHECKED BY	...
APPROVED BY	...
DATE	...



OWNER/DEVELOPER
Northlake Storage, LLC
1400 WINDY HILL RD
MARIETTA, GA 30067

LOCATION MAP
15052311

VARIANCES REQUESTED

1. BUILDING FOOTPRINT VARIANCE
2. SETBACK VARIANCE
3. SIGNAGE VARIANCE
4. SIGNAGE VARIANCE
5. SIGNAGE VARIANCE
6. SIGNAGE VARIANCE
7. SIGNAGE VARIANCE
8. SIGNAGE VARIANCE
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10. SIGNAGE VARIANCE

SITE ZONING
M-1 (MARIETTA)

SITE AREA
1.05 ACRES

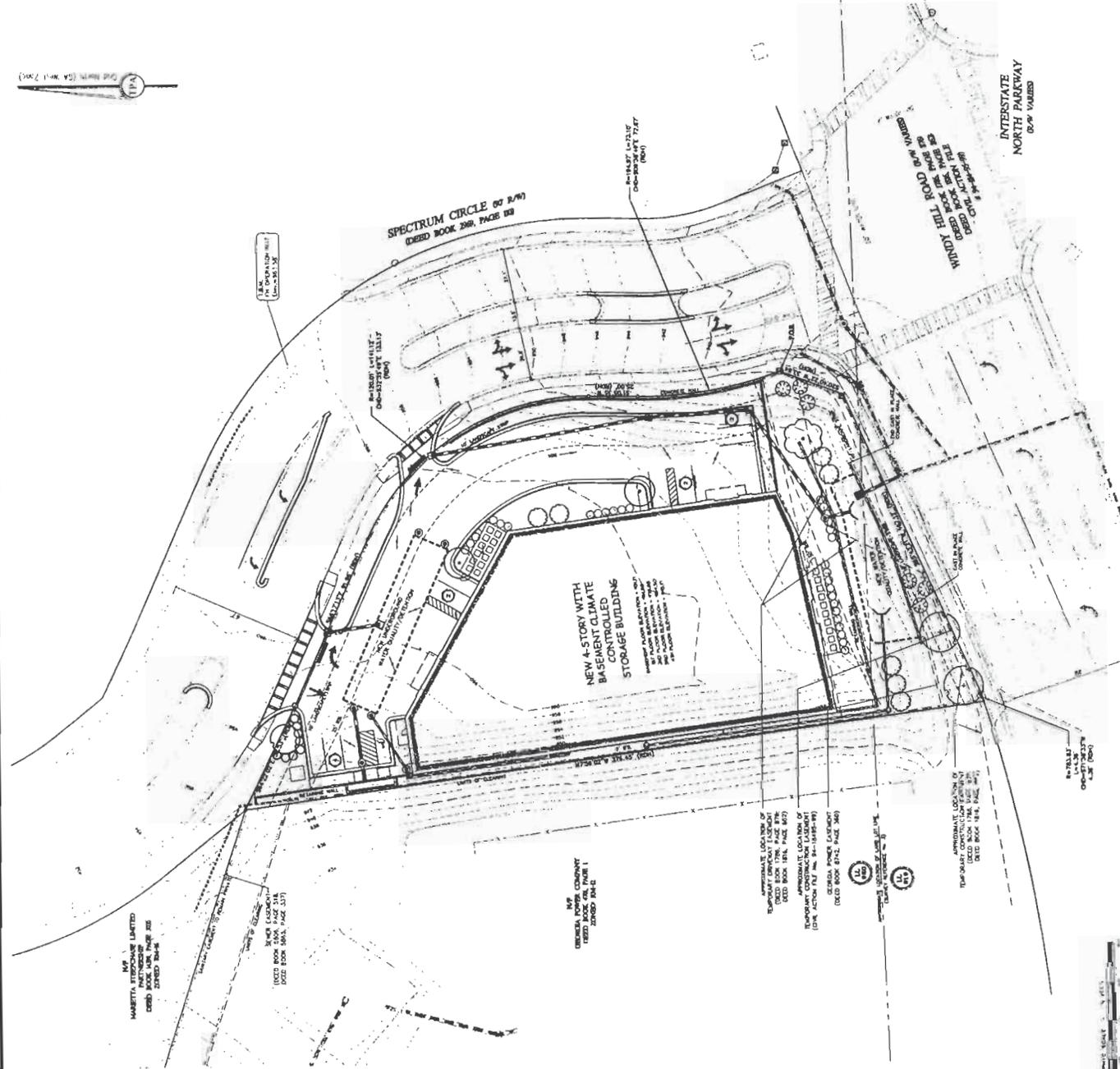
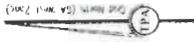
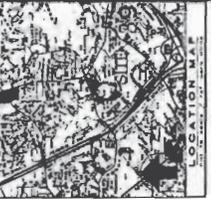
PERMITTED AREA
1.05 ACRES

FLOOD PLAIN ACREAGE
0.00 ACRES

SETBACK LINES
FRONT: 10 FT (MINIMUM)
SIDE: 10 FT (MINIMUM)
REAR: 10 FT (MINIMUM)

BUILDING SUMMARY
NEW 4-STORY WITH BASEMENT CLIMATE CONTROLLED STORAGE BUILDING

PARKING SUMMARY
TOTAL PARKING SPACES: 100
TOTAL PARKING SPACES: 100



1.00	EXISTING
1.01	NEW
1.02	DEMOLITION
1.03	ASPHALT DRIVEWAY
1.04	CONCRETE DRIVEWAY
1.05	GRAVEL DRIVEWAY
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1.97	GRAVEL DRIVEWAY
1.98	GRAVEL DRIVEWAY
1.99	GRAVEL DRIVEWAY
2.00	GRAVEL DRIVEWAY

COBB COUNTY ZONING DIVISION
2013 DEC - 5 AM 9:38
FILED IN OFFICE
COBB COUNTY GEORGIA



APPLICANT: Northlake Storage, LLC

(678) 797-9797

REPRESENTATIVE: Garvis L. Sams, Jr. (770) 422-7016

Sams, Larkin & Huff, LLP

TITLEHOLDER: San-Har, Inc.

PROPERTY LOCATION: Northwest intersection of Windy Hill

Road and Spectrum Circle.

ACCESS TO PROPERTY: Spectrum Circle

PHYSICAL CHARACTERISTICS TO SITE: Undeveloped acreage

PETITION NO: Z-4

HEARING DATE (PC): 02-04-14

HEARING DATE (BOC): 02-18-14

PRESENT ZONING: OMR

PROPOSED ZONING: O&I

With Stipulations

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 _____

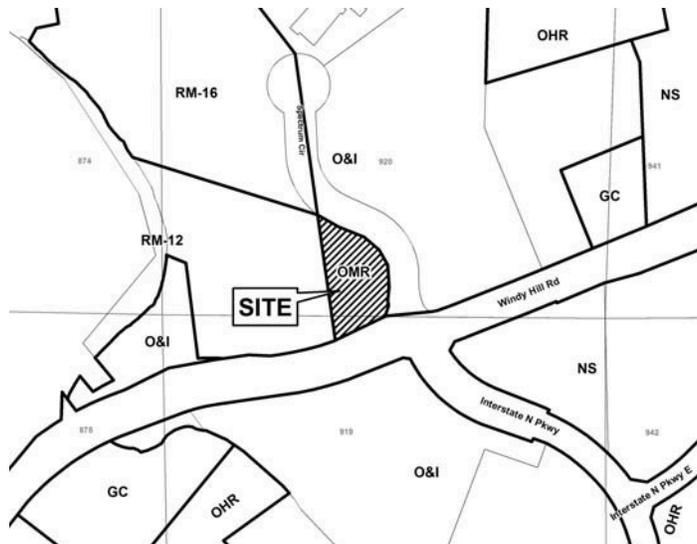
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

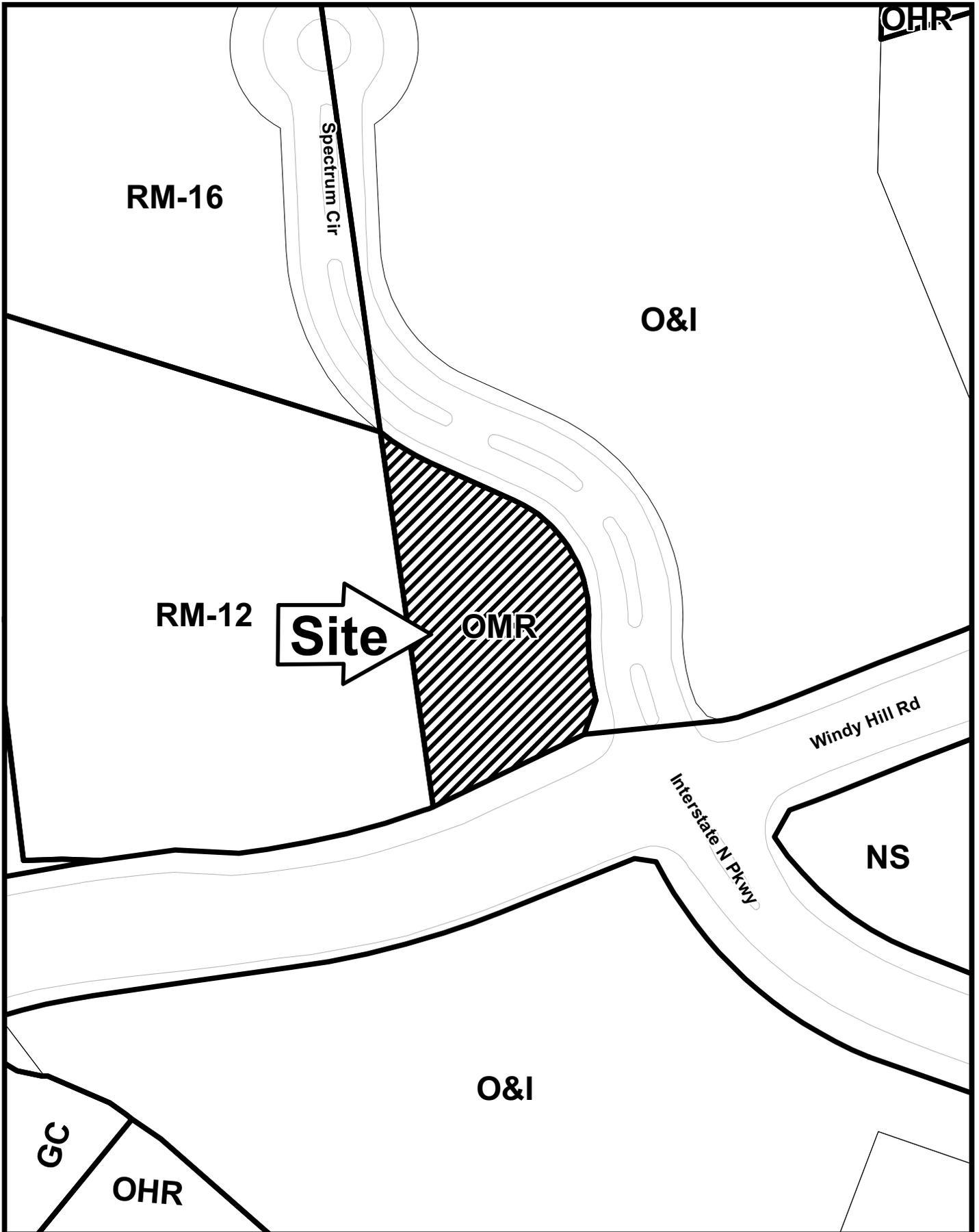
REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

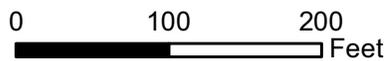
STIPULATIONS:



Z-4



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Northlake Storage, LLC

PETITION NO.: Z-4

PRESENT ZONING: OMR

PETITION FOR: O&I w/Stipulations

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Regional Activity Center (Sub Area for High Density Residential)

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:** 10

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 the attached Zoning Impact Analysis. This application was approved as Z-29 of 2008 and contained a reversion clause for the property to go back to the original OMR category if the closing on the sale of the property did not occur within six months of the successful rezoning. A land disturbance permit was issued, but the construction never took place. The applicant is requesting the following contemporaneous variances:

1. Reduce the required amount of parking spaces from 35 parking space to 10 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);
5. Waive the maximum building height, from three stories to five stories; and
6. Reduction in road frontage landscape strip from 20 feet to 10 feet.

Cemetery Preservation: No comment.

FIRE COMMENTS:

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: Northlake Storage, LLC

PETITION NO.: Z-4

PRESENT ZONING: OMR

PETITION FOR: O&I w/Stipulations

PLANNING COMMENTS:

The applicant is requesting a rezoning from OMR to O & I with stipulations for climate-controlled self-service storage facility. The 1.195 acre site is located on the northwest intersection of Windy Hill Road and Spectrum Circle.

Comprehensive Plan

The parcel is within a Regional Activity Center (RAC) future land use category, with OMR zoning designation. The purpose of the Regional Activity Center (RAC) category is to provide for areas that can support a high intensity of development which serves a regional market. Typical land uses in these areas include high-rise office buildings, regional malls and varying densities of residential development.

Master Plan/Corridor Study

It is located within the Boundaries of the Powers Ferry Road Master Plan.

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.

YES indicates applicant has met the corresponding issue.

NO indicates applicant has not met the corresponding issue and/or there is not enough information provided.

N/A indicates issue is not applicable.

APPLICANT Northlake Storage, LLC

PETITION NO. Z-004

PRESENT ZONING OMR

PETITION FOR O&I w/stips

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): 20" DI / N side of Windy Hill Rd

Additional Comments: Also 8" DI / E side of Spectrum Circle

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: 480' W at creek

Estimated Waste Generation (in G.P.D.): **A D F** 160 **Peak=** 400

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 Comments: Applicant's engineer notes that a sewer easement (private) is of record

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: Northlake Storage, LLC

PETITION NO.: Z-4

PRESENT ZONING: OMR

PETITION FOR: O&I

STORMWATER MANAGEMENT COMMENTS

Address any outstanding Plan Review comments.

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	33,400	Arterial	35 mph	Cobb County	100'

Based on 2009 traffic counting data taken by Cobb County DOT (Windy Hill Road)

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.

Windy Hill Road is classified as an Arterial, and according to the available information, each existing right-of-way does meet the minimum requirements for its classification.

RECOMMENDATIONS

Recommend no access to Windy Hill Road.

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

Recommend the southern drive be used as an exit only.

Recommend closing the southern most median opening along the Spectrum Circle.

Recommend the applicant coordinate with Cobb County DOT regarding the Windy Hill Road East SPLOST project, E4020.

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

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STAFF RECOMMENDATIONS

Z-4 NORTHLAKE STORAGE, LLC

- 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.
- 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. This same proposal was previously approved in 2008 (Z-29 and SLUP-11).
- 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. It is Staff's opinion that this proposed (and previously approved) use be approved once again. The proposed use is less intense than some of the other uses that could also be allowed in this zoning/land use combination.
- 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 supporting the applicant's rezoning proposal. Uses, such as this proposal, are allowable in this O&I zoning district. The same proposal was approved in 2008, but reverted back to OMR because of a particular zoning stipulation. A land disturbance permit was actually issued for the project, but was never built and the property reverted back to the original zoning.

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

- Reflective windows be installed to face exterior of building;
- 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.

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COBB COUNTY GEORGIA
FILED IN OFFICE
2013 DEC -5 AM 9:38
COBB COUNTY ZONING DIVISION

Application No. Z-4
Feb. 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:** _____
- _____
- _____
- _____

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

- a) **Proposed use(s):** Climate Controlled Self Service Storage Facility
- b) **Proposed building architecture:** Four-sided brick with EFIS accents.
- c) **Proposed hours/days of operation:** The hours of operation shall be from 8:00 a.m. until 6:00 p.m. Monday through Saturday from 1:00 p.m. until 6:00 p.m. on Sundays.
- d) **List all requested variances:**
 - 1. A waiver of parking ratio requirements from 35 spaces to 15 spaces.
 - 2. Side setback reduction from 15' to 5' (along substation property).
 - 3. Reduction in road frontage landscape strip from 20' to 10'.
 - 4. Removal of landscape buffer adjacent to residential property on west side (existing electrical substation).

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

The down zoning of the subject property from Office Midrise (OMR) for purposes of a hotel to Office & Institutional (O&I) for purposes of a Climate Controlled Self Service Storage Facility is appropriate in view of the fact that the subject property is located within the confines of a Regional Activity Center (RAC). The subject property was successfully rezoned by the Board of Commissioners on September 16, 2008 as requested in this Application; however, by virtue of a stipulation/condition contained within the rezoning, the subject property reverted to its original classification of OMR, hence the filing of this Application which is virtually identical to the one approved 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). No.

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

ZONING IMPACT STATEMENT
FOR THE REZONING APPLICATION
OF NORTHLAKE STORAGE, LLC

COMES NOW, NORTHLAKE STORAGE, 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 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 5th day of December, 2013.

SAMS, LARKIN & HUFF, LLP

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

ORIGINAL DATE OF APPLICATION: 07-15-08APPLICANTS NAME: COOKE ENTERPRISES, INC.THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 09-16-08 ZONING HEARING:**

COOKE ENTERPRISES, INC. requesting Rezoning from **OMR** to **OI** for the purpose of a Climate Controlled Self-Service Storage Facility in Land Lots 919 and 920 of the 17th District. Located at the northwest intersection of Windy Hill Road and Spectrum Circle.

MOTION: Motion by Lee, second by Goreham, as part of the Consent Agenda, to **approve** Rezoning to the **OI** zoning district **subject to:**

- **letters of agreeable conditions from Mr. Garvis L. Sams, Jr. dated August 14, 2008 and August 21, 2008 (attached and made a part of these minutes)**
- **reflective windows be installed to face exterior of building**
- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- ***revised* Cobb DOT comments and recommendations (attached and made a part of these minutes)**

VOTE: **ADOPTED** unanimously

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

CARVIS 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

MELISSA P. HAISTEN
JUSTIN H. MEEKS

SAMSLARKINHUFF.COM

August 14, 2008

PAGE 6 OF

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

Min. Bk. 56 Petition No. Z-29
Doc. Type letter of
stipulations
Meeting Date 9-18-08

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:

As you know, 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 was continued earlier this month and is now scheduled to be heard and considered by the Cobb County Planning Commission on September 3, 2008. Thereafter, it is scheduled to be heard and considered by the Cobb County Board of Commissioners on September 16, 2008. The Application for the Special Land Use Permit will be heard on the following cycle by the Planning Commission on October 7, 2008 and by the Board of Commissioners on October 21, 2008.

During the pendency of the application, we have continued to interface with the County's professional staff. Additionally, we have established a meaningful and ongoing dialogue with representatives of the Terrell Mill Community Association ("TMCA") and the East Cobb Civic Association ("ECCA"). This letter will serve as our agreements with TMCA and ECCA and embody Cooke Enterprises, Inc's expression of agreement with the following revised 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:

Petition No. Z-29
Meeting Date 9-18-08
Continued

PAGE 7 OF

VIA HAND DELIVERY and
E-MAIL

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 2
August 14, 2008

1. The revised 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, composition and design of the building shall be consistent with the photograph which was submitted under separate cover on June 10, 2008 which depicts exterior materials on all four (4) sides consisting of brick and E.I.F.S. The architectural style of the building shall be in substantial conformity to the architectural style, theme and composition of the building built by Cooke Enterprises, Inc. on Dallas Highway in West Cobb County.
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. Additional access to the facility shall be allowed under exceptional or special circumstances on a limited basis. Entry to the building shall be via key-card and punch code pad. All activity within strategic locations throughout the facility shall be monitored by video security systems.
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. The lighting and photometric aspects of the subject property shall be in substantial conformity to the illumination components utilized at the climate controlled self service storage facility built by Cooke Enterprises, Inc. on Dallas Highway in West Cobb County.

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. Additionally, the property is situated in the context of development (multi-story office buildings, commercial uses and multi-family developments) which is suitable for a climate controlled self service storage facility.

VIA HAND DELIVERY and
E-MAIL

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 3
August 14, 2008

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 Terrell Mill Community Association, a representative of Cooke Enterprises, Inc. 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.
 - b. Species of vegetation which will be utilized shall be ecologically compatible with the site and appropriate for the design circumstances.
 - c. Subject to water restrictions which may be imposed by the state and/or County, all landscaping for the proposed climate controlled self service storage facility shall be professionally designed, perpetually maintained and irrigated. Any dead or irrevocably diseased vegetation shall be replaced as necessary.
 - d. HVAC and all 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 located at the northwest corner of the subject property and at the southwest corner of the subject property and screened from view by walls or landscaping.
 - e. There shall be no dumpsters located outside of the climate controlled self service storage facility building.
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 and the applicant has agreed that there shall be no electronic or LED signage on the site.
8. Security fencing and gates for the site shall be in substantial conformity to the security fencing and gates within the climate controlled self service storage facility which Cooke Enterprises, Inc. has built on Dallas Highway in West Cobb County.

Petition No. Z-29
Meeting Date 9/18/08
Continued

PAGE 9 OF

VIA HAND DELIVERY and
E-MAIL

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 4
August 14, 2008

9. There shall be no outside storage, overnight vehicle parking or trailer parking permitted on the site. Additionally, there shall be no renting of trucks as a part of the storage facility business and no vehicle shall be parked upon the property adjacent to Windy Hill Road or Spectrum Drive for purposes of advertising.
10. Compliance with 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. Presently, it is planned that all detention and water quality components shall be located underground in the northwest corner and southeast corner of the subject property.
11. Subject to the latest revised recommendations from the Cobb County Department of Transportation with respect to traffic and traffic safety issues, including the following:
 - a. Verification that sight distance is available for a minimum of two-hundred eighty feet (280') or the implementation of remedial measures in which to mitigate same.
 - b. The southern driveway shall be used as a right-out only point of egress.
 - c. An agreement to close the southernmost median opening on Spectrum Drive.
 - d. Replacing any sidewalk, curb or gutter which is disturbed during the construction process.
12. Subject to recommendations from the Cobb County Water System with respect to the accessibility and availability of sewer and water and issues attendant thereto.
13. Subject to recommendations from the Cobb County Fire Department as contained within the Zoning Analysis.
14. Compliance with all adopted provisions and regulations applicable to Climate Controlled Self Service Storage Facilities except as mentioned herein or as may be varied from time to time by the Cobb County Board of Commissioners.
15. 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

VIA HAND DELIVERY and
E-MAIL

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 5
August 14, 2008

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.

- 16. The granting of the following contemporaneous variances:
 - a. Reducing the required number of parking spaces from 35 to 16.
 - b. Reducing the side setback contiguous to the Georgia Power Company Windy Hill Substation from 15' to 5'.
 - c. Waiving the 20' landscape buffer contiguous to the Georgia Power Company Windy Hill Substation.
 - d. Allowing a maximum Floor Area Ratio of 2.1.²
 - e. Waiving the maximum building height from three (3) stories to four (4) stories over a basement.
- 17. The District Commissioner shall have the authority to make minor modifications to the site plan and these stipulations/conditions during the Plan Review Process.

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 fact, the County's professional staff has observed the following:

- The rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

² An FAR of 1.91 was approved on for a climate controlled self service storage facility built by Cooke Enterprises, Inc. on Lower Roswell Road within a Community Activity Center (No. SLUP-5 [2006]). Additionally, FAR's within Regional Activity Centers are allowed up to 2.0.

Petition No. 2
Meeting Date 9
Continued

**VIA HAND DELIVERY and
E-MAIL**

PAGE 11 OF

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 6
August 14, 2008

- The rezoning proposal may not have an adverse effect on the usability of adjacent or nearby property.
- The rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
- The rezoning proposal is in conformity with the policy and intent of the Cobb County Comprehensive Land Use Plan and Future Land Use Map which delineate the property to be within a Regional Activity Center (RAC) and within a sub-area for high density multi-family residential development.

Please do not hesitate to call should you or the staff require any further information or documentation prior to the application's next appearance before the Planning Commission and Board of Commissioners next month. With regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

Garvis L. Sams, Jr.

gsams@samslarkinhuff.com

GLSjr/jbmc

cc: Shown on next page.

Petition No. 2-20
Meeting Date 9-18
Continued

VIA HAND DELIVERY and
E-MAIL

PAGE 12 OF

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 7
August 14, 2008

- cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery
Members, Cobb County Planning Commission – VIA E-Mail and First Class Mail
Mr. Robert L. Hosack, Jr., AICP, Director – VIA E-Mail
Mr. Mark A. Danneman, Manager – VIA Hand Delivery
Mr. John M. Morey, P.E. – VIA E-Mail
Ms. Jane Stricklin – VIA E-Mail
Mr. David W. Breaden, P.E. – VIA E-Mail
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery
Ms. Lori Presnell, Deputy County Clerk – VIA Hand Delivery
Eric Jacobsen, Esquire, Terrell Mill Community Association – VIA E-Mail and
First Class Mail
Mr. Mark McClellan, East Cobb Civic Association – VIA E-Mail and First Class Mail
Mr. Mitchell Cooke – VIA E-Mail

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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August 21, 2008

PAGE 13 OF

VIA HAND DELIVERY and
E-MAIL

Min. Bk. 56 Petition No. Z-29
Doc. Type letter of
stipulations
Meeting Date 9-18-08

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 are in receipt of our letter of agreeable stipulations/conditions, dated August 14, 2008. That letter was the culmination of our discussions and agreements with the Terrell Mill Community Association ("TMCA") and the East Cobb Civic Association ("ECCA").

Even though the Office & Institutional (O&I) classification does not allow outside storage, TMCA has asked for and we have agreed to the following additional stipulation/condition:

"There shall be no recreational vehicles, boats, trailers or busses stored on the subject property."

Please do not hesitate to call should you or the staff require any further information or documentation prior to the application for rezoning being heard next month before the Planning Commission and Board of Commissioners.

Petition No. Z-20
Meeting Date 9-18
Continued

VIA HAND DELIVERY and
E-MAIL

PAGE 14 OF

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 2
August 21, 2008

With regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLSjr/jbmc

cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery
Members, Cobb County Planning Commission – VIA E-Mail and First Class Mail
Mr. Robert L. Hosack, Jr., AICP, Director – VIA E-Mail
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Ms. Jane Stricklin – VIA E-Mail
Mr. David W. Breaden, P.E. – VIA E-Mail
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery
Ms. Lori Presnell, Deputy County Clerk – VIA Hand Delivery
Eric Jacobsen, Esquire, Terrell Mill Community Association – VIA E-Mail and
First Class Mail
Mr. Mark McClellan, East Cobb Civic Association – VIA E-Mail and First Class Mail
Mr. Mitchell Cooke – VIA E-Mail

APPLICANT: Cooke Enterprises, Inc.

PETITION NO.:

PRESENT ZONING: OMR

PETITION FOR:

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-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

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

Z-4 (2014)
Previous Minutes

PRESENT ZONING: OMR

PETITION FOR: O & I

TRANSPORTATION COMMENTS

PAGE 15 OF 15

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 driveways. 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.

Southern drive shall be right-out only.

Close the first median break along the south end of Spectrum Circle.

RECOMMENDATIONS

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

Recommend the southern drive be used as an exit only.

Recommend closing the southern most median opening along the Spectrum Circle.

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

Min. Bk. 56 Petition No. Z-29
Doc. Type Revised DOT
comments
Meeting Date 9-16-08