

APPLICANT: 3700 Roswell Road, LLC
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REPRESENTATIVE: James A. Balli, Esq.
PHONE#: 770-422-7016 **EMAIL:** jballi@slhb-law.com
TITLEHOLDER: Barry J. Shemaria

PETITION NO: Z-6
HEARING DATE (PC): 02-03-2015
HEARING DATE (BOC): 02-17-2015
PRESENT ZONING: LRO

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

PROPOSED ZONING: OI
PROPOSED USE: Climate Controlled
Self Storage

ACCESS TO PROPERTY: Roswell Road

SIZE OF TRACT: 1.42 acres

PHYSICAL CHARACTERISTICS TO SITE: Existing house

DISTRICT: 16

LAND LOT(S): 967

PARCEL(S): 14

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

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

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

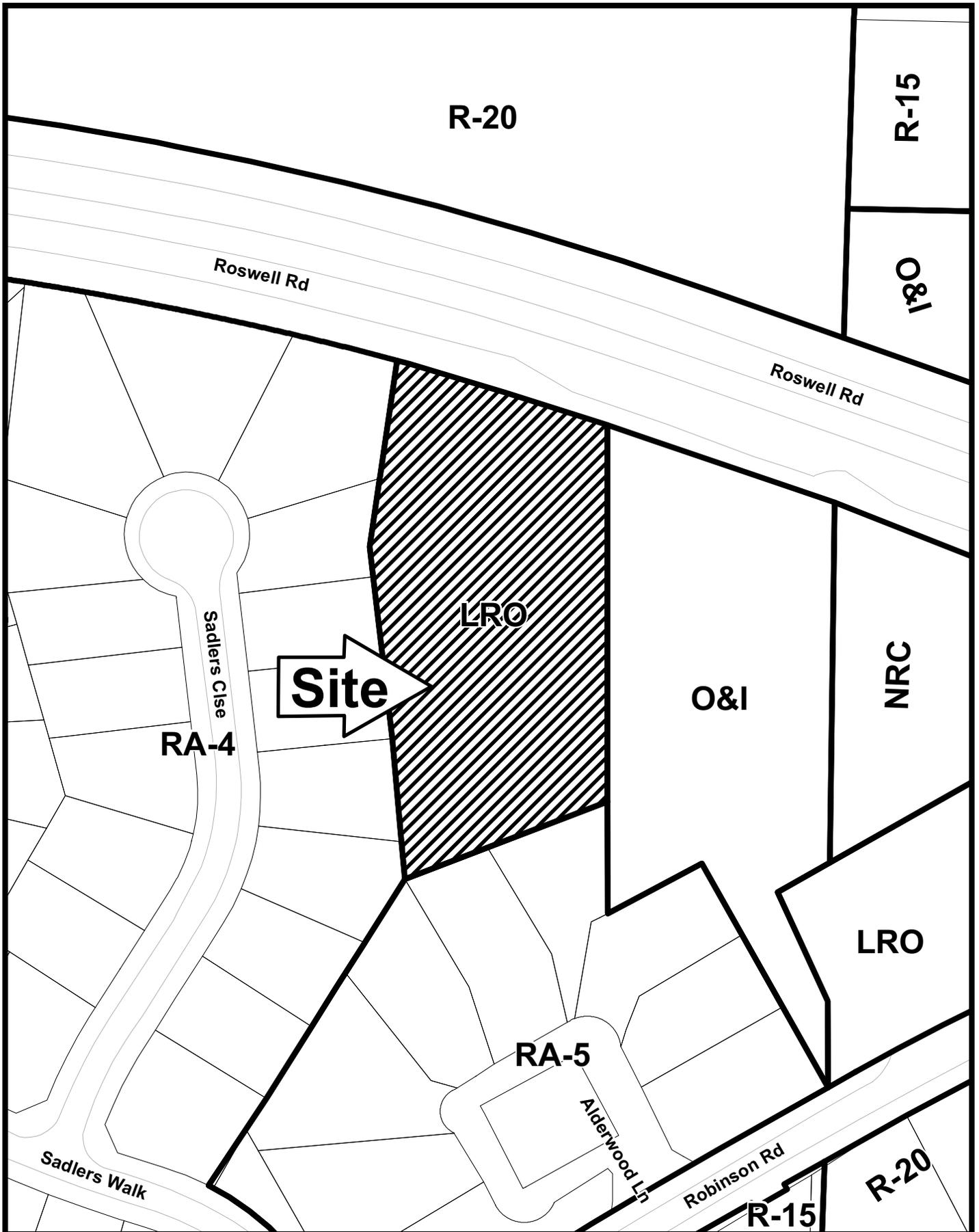
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

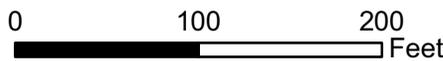
STIPULATIONS:



Z-6



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



-  City Boundary
-  Zoning Boundary

APPLICANT: 3700 Roswell Road, LLC

PETITION NO.: Z-6

PRESENT ZONING: LRO

PETITION FOR: O&I

ZONING COMMENTS:

Staff Member Responsible: Donald Wells

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 75,840

F.A.R.: 1.16 **Square Footage/Acre:** 53,408.45

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

The current request is to construct a new three (3) story climate controlled building with 450 storage units and a total of 75,840 square feet including office area. Nine (9) parking spaces are provided on site. The proposed building height is 36 feet and 6 inches.

All units are accessed internally, and all windows on the sides of the building are “false windows.” The Code requires that “architectural style/design to be similar or complementary to the predominant architectural design of other commercial uses within the activity center.” The proposed architecture of the storage facility appears to be traditional brick with architectural accents and pitched roof designed to go along with nearby office uses within the activity center of this portion of Roswell Road and Robinson Road that are also traditional style of brick construction. A landscaping plan has been provided which shows a 20 foot landscape buffer adjacent to the residential properties to the south and west as well as landscaping of the frontage.

In conjunction with companion case SLUP-1, the applicant is requesting to rezone the subject property from Low Rise Office (LRO) to Office and Institutional (O&I) in order to construct and operate a freestanding climate controlled self-service storage facility on this property. This property was previously rezoned to the LRO category for a professional office park development that would require 93 parking spaces that never was developed. It is important to note this property was submitted for rezoning in 2014 for a climate controlled self storage facility. This proposal is much improved from the 2014 proposal with a smaller building and better building architecture.

The applicant is showing a contemporaneous variance to waive the maximum F.A.R. from 1.0 to 1.16.

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: 3700 Roswell Road, LLC

PETITION NO.: Z-6

PRESENT ZONING: LRO

PETITION FOR: O&I

PLANNING COMMENTS:

The applicant is requesting a rezoning from LRO to O & I for Climate Controlled Self Storage. The 1.42 acre site is located on the south side of Roswell Road, west of Robinson Road.

Comprehensive Plan

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

Master Plan/Corridor Study

Not applicable.

Historic Preservation

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

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

Design Guidelines

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

If yes, design guidelines area _____

Does the current site plan comply with the design requirements?

Incentive Zones

Is the property within an Opportunity Zone? Yes No

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

Is the property within an Enterprise Zone? Yes No

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

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? Yes No

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

APPLICANT: 3700 Roswell Road, LLC

PETITION NO.: Z-6

PRESENT ZONING: LRO

PETITION FOR: O&I

PLANNING COMMENTS: (Continued)

Special Districts

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

Yes No

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

Yes No

Is this property within the Six Flags Special Service District?

Yes No

APPLICANT 3700 Roswell Road LLC

PETITION NO. Z-006

PRESENT ZONING LRO

PETITION FOR O&I

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

Available at Development: Yes No

Fire Flow Test Required: Yes No

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

Additional Comments: Existing water customer

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

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

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: On Site

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

Treatment Plant: Sutton

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

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

Drv Sewers Required: Yes No

Off-site Easements Required: Yes* No *If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required: Yes No

Letter of Allocation issued: Yes No

Septic Tank Recommended by this Department: Yes No

Subject to Health Department Approval: Yes No

Additional Existing sewer customer
Comments:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: 3700 Roswell Road, LLC

PETITION NO.: Z-6

PRESENT ZONING: LRO

PETITION FOR: O&I

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Sewell Mill Cr FLOOD HAZARD INFO: Zone X

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: YES NO POSSIBLY, NOT VERIFIED

Location: _____

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: YES NO POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (_____ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream _____.
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream detention pond (Glenside Subdivision).

APPLICANT: 3700 Roswell Road, LLC

PETITION NO.: Z-6

PRESENT ZONING: LRO

PETITION FOR: O&I

STORMWATER MANAGEMENT COMMENTS – Continued

SPECIAL SITE CONDITIONS

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

INSUFFICIENT INFORMATION

- No Stormwater controls shown _____
- Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. This parcel is located just south of Roswell Road and is bounded by an existing office development to the west, an existing RA-4 subdivision to the west and an RA-5 subdivision currently under development to the south. The majority of the site is wooded with average slopes ranging from 5 to 15 %. Approximately 1.1 acres of this parcel drains to the west through the Glenside Subdivision. The remainder of the site (0.4 ac) drains to the Roswell Road R/W.
2. The proposed site plan shows the detention facility discharging to the existing drainage easement in the adjacent Glenside Subdivision to the west. The stormwater management design must evaluate and account for the existing conveyance capacity of this older system as well the volume impact on the existing subdivision detention pond. As an alternative the site could be discharged to the existing stormwater system in the Roswell Road R/W subject to the available capacity. The final discharge point must be decided in Plan Review. The proposed site plan requires significantly less parking and associated impervious surface than the underlying zoning category.
3. The discharge from the newly constructed detention pond for the subdivision to the south (Alderwood) must be accommodated through this site.

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PETITION NO.: Z-6

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TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Roswell Road	38,900	Arterial	45	GDOT	100'

Based on [2008] traffic counting data taken by Cobb County DOT

COMMENTS AND OBSERVATIONS

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

Roswell Road is a four lane divided facility, therefore any access shall be right-in/right-out.

RECOMMENDATIONS

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

Georgia Department of Transportation permits required for all work that encroaches upon State right-of-way.

Recommend replacing any disturbed multi-use sidewalk and stamped concrete strip.

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STAFF RECOMMENDATIONS

Z-6 3700 ROSWELL ROAD, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal may permit a use that is suitable in view of the use and development of adjacent and nearby properties. Nearby properties are used for single-family residential, professional offices and retail. The proposal has improved since it was submitted in 2014. The applicant's use is commonly found in the county in similar locations.
- 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. The three-story structure is 36.3 feet in height which is almost the same height as a single family house (35 feet) or a low rise office (35 feet). The applicant's building would be consistent in height and building architecture with the office building to the east. Additionally, the proposed use will generate less traffic and noise compared to the office park the property is currently zoned for.
- C. It is Staff's opinion that the applicant's rezoning proposal will result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Neighborhood Activity Center (NAC) land use category. However the low intensity use and low traffic generation would be consistent with the characteristics of a Neighborhood Activity Center (NAC).
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The applicant's proposal has improved with a smaller building and better building architecture. The applicant's use would be suitable given the character of the area which includes cluster homes, a three story office building, retail, and three story medical offices across Roswell Road. The applicant's proposal will not adversely affect the usability of adjacent and nearby properties because it is a quiet, low traffic generating use. Additionally the applicant's use will have a full 20 foot landscape buffer, compared to the reduced buffer the current LRO has, and compared to the reduced landscape buffer (10 feet) the adjoining three story office building was granting in its rezoning case.

Based on the above analysis, Staff recommends **APPROVAL** to O&I subject to the following conditions:

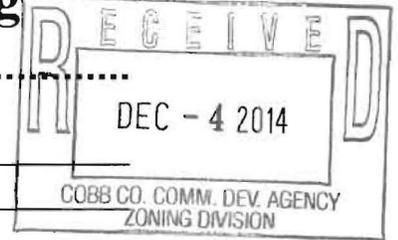
- Site plan received by the Zoning Division December 4, 2014, with District Commissioner approving minor modifications;
- District Commissioner approving landscape plan;
- Water and Sewer Division comments and recommendations;
- Fire Departments comments and recommendations;
- Stormwater Management comments and recommendations; and
- 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.



Application #: Z-4
PC Hearing Date: 2-3-15
BOC Hearing Date: 2-17-15

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: 4 sided traditional brick with architectural accents and pitched roofs designed to match adjacent properties.
- c) Proposed hours/days of operation: office hours are Monday-Saturday 8 a.m. to 6 p.m. and Sunday 1 p.m. to 6 p.m.
- d) List all requested variances: Any identified by Staff prior to the final public hearing or set forth by the Applicant.

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

This application will be a down-zoning in intensity, height, parking, appearance and impact on adjacent properties than what could be built under current LRO.

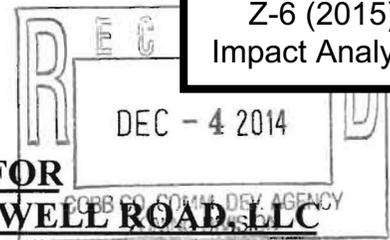
.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). No.

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

Applicant signature: _____ Date: 12-4-2014

Applicant name (printed): James A. Balli, On Behalf of Applicant



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

COMES NOW, 3700 ROSWELL ROAD, LLC. (hereinafter “Applicant”), and, pursuant to Section 134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

A. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property?* **Yes.**

The Project proposal relates to development of a two-three story Climate Controlled Self-Service Storage Facility (“CCSSSF”) on an approximate 1.42 acre tract of land fronting on Roswell Road (hereinafter “Development”). The Development advances quality of life by bringing a first-class CCSSSF designed with a pitched roof (LRO standard) and similar in height and appearance to adjacent properties such that the Development will complement the sense of place in the surrounding area. The Development is seeking the designation of Office and Institutional (“O&I”) Conditional which is established by Cobb County “to provide locations for nonretail commercial uses such as offices and financial institutions, which are on properties delineated within or on the edge of a community activity center. . . office and institutional district is designed primarily to provide for four-story and smaller office developments, office uses, motels, hotels, banking and professional offices that complement and provide step-down

nodal zoning away from more intensive commercial uses.” Id. The Development is consistent with, and supported by, the fact that the Project Site is located near the edge of a Community Activity Center (“CAC”) and also is within a Neighborhood Activity Center (“NAC”) designation on the Cobb County Future Land Use Map. Specifically, the Development will provide a CCSSSF that is consistent with the purpose of the NAC designation “to provide for areas that serve neighborhoods residents and businesses...typical land uses include small offices, limited retail and grocery stores.” Finally, the Development is consistent with the adjacent uses (three story Office and mid-density 4/5 units per acre attached/detached Residential RA-4 and RA-5) and is within a NAC with said NAC located at the edge of a CAC and the Development being approximately 2000 feet away from said CAC.

B. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property?* **No.**

The Project Site is currently zoned Low Rise Office (“LRO”) defined as a category that allows “low-scale professional offices and other nonretail commercial uses such as offices and nursery schools, which are on properties delineated within or on the edge of a neighborhood activity center... the LRO district should provide for office uses that are low in intensity to ensure compatibility with adjacent single-family detached dwellings.” If CCSSSF’s

were allowed in LRO, the Development would likely be built as zoned as it complies with purposes of the LRO category including, but not limited to, pitched roof architecture compatible with adjacent single-family detached dwellings and is an extremely low-scale professional office (1200 square feet with 2 employees). Moreover, the Development **reduces the parking** approved as zoned (93 spaces) to nine (9) spaces, thus greatly reducing traffic and congestion in the area. Further, the parking in the Development would be located away from adjacent residential as opposed to the approved parking showing spaces directly adjacent to said residential property. On the other side of the Development is a three-story office building zoned O&I with architecture similar to the proposed Development and said building is higher than the proposed building on the Development. The Development is designed to have the same appearance as the adjacent office and **also to be compatible (architecturally and scale) with the adjacent mid-density residential**, including utilization of significant buffers and green-space, both undisturbed and man-made. Directly across Roswell Road is property also zoned O&I and is therefore identical to the zoning request made in this Application. Further, while not subject to zoning, the reality is that a Wellstar Health Place facility is being constructed directly across the road from the Development that will have significantly higher elevations and other measurements consistent with intense commercial development and zoning

categories. Accordingly, the Development will “provide step-down nodal zoning away from more intensive commercial uses.” See O&I definition and purpose. Also, there will be underground detention of stormwater to assist in controlling the area’s stormwater runoff and is an improvement from the current zoning which would allow above-ground detention. Finally, the Development will **decrease** the impervious surface coverage that would be required under the current zoning and will be significantly less than the total requirements for property located in a NAC. Therefore, the Development will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties.

C. *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned?* **No.**

The Project Site 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. Further, the Project Site was rezoned in 2008 to LRO and was changed in 2009 by an Other Business Item. The Project Site has been unable to reach development as currently zoned and thereby remains vacant, thus providing evidence of the lack of “reasonable economic use” as zoned.

D. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools? No.*

The Development will ultimately be an improvement and a reduction in density in what could be developed as currently zoned. This includes, but is not limited to, reduction in overall office space square footage, reduction of impervious surface, reduction in parking spaces by some eighty-four (84 spaces), underground retention to service the needs for stormwater detention, significant buffers and the ability to leave portions of the Project Site undisturbed (LRO plan approved would require entire Site disturbance) to facilitate preservation of existing trees. There will be no adverse effect on streets, transportation facilities, utilities or schools.

E. *Whether the zoning proposal is in conformity with the policy and intent of the land use plan? Yes.*

The Development is consistent with intent of Cobb County's Comprehensive Land Use Plan/Future Land Use Plan. As stated above, the Project Site is located within a Neighborhood Activity Center ("NAC") designation on the Cobb County Future Land Use Map which has a purpose "to provide for areas that serve neighborhoods residents and businesses...typical land uses include small offices, limited retail and grocery stores." Further, the

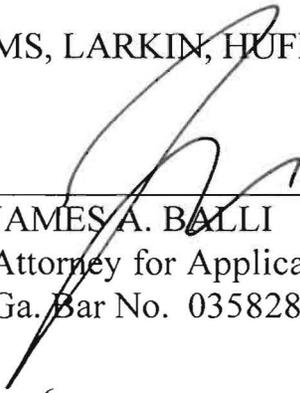
Development is consistent with the adjacent uses (three-story Office and mid-density 4/5 units per acre attached/detached Residential RA-4 and RA-5) and is within a NAC located at the edge of a CAC with said property being approximately 2000 feet away from the CAC. Finally, the Development will provide a step-down node against the Well-Star facility being constructed immediately across Roswell Road.

F. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal. **Yes.***

The Development is consistent with adjacent property zoned O&I, with the property directly across Roswell Road zoned O&I and with the scale and height of adjacent residential property. Further, the Development is consistent with the intent of the NAC designation, almost identical to the current LRO zoning and otherwise consistent with the planned development along the Roswell Road Corridor.

This the 4th day of December, 2014.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 

JAMES A. BALLI
Attorney for Applicant
Ga. Bar No. 035828

