

APPLICANT: Johnson Development Associates, Inc.

PETITION NO: SLUP-13

PHONE#: (919) 414-5361 **EMAIL:** jstory@johnsondevelopment.net

HEARING DATE (PC): 09-08-14

REPRESENTATIVE: Parks F. Huff

HEARING DATE (BOC): 09-20-14

PHONE#: (770) 422-7016 **EMAIL:** phuff@slhb-law.com

PRESENT ZONING: GC

TITLEHOLDER: Dew Holdings, LLC

PROPOSED ZONING: Special Land

PROPERTY LOCATION: West side of Atlanta Road, south of

Use Permit

Brownwood Lane; on the east side of I-285

PROPOSED USE: Climate Controlled Self-

(4676 Atlanta Road)

Service Storage Facility

ACCESS TO PROPERTY: Atlanta Road

SIZE OF TRACT: 3.936 acres

PHYSICAL CHARACTERISTICS TO SITE: One-story office

DISTRICT: 17

industrial building

LAND LOT(S): 763

PARCEL(S): 2,14

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** GC/ Retail Commercial
- SOUTH:** Seaboard Air Line Railroad Right of Way
- EAST:** RM-8/ Old Atlanta Station Amenity Area
- WEST:** LI/ Office Industrial

Adjacent Future Land Use:

- Northwest: Community Activity Center (CAC)
- Northeast: Neighborhood Activity Center (NAC)
- Southeast: High Density Residential (HDR)
- Southwest: Transportation / Communication / Utility (TCU)
- West: Regional Activity Center (RAC) and Medium Density Residential (MDR)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

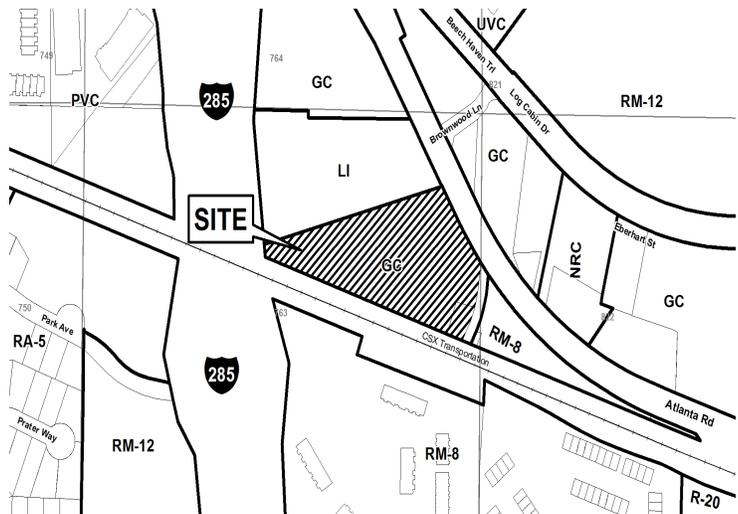
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

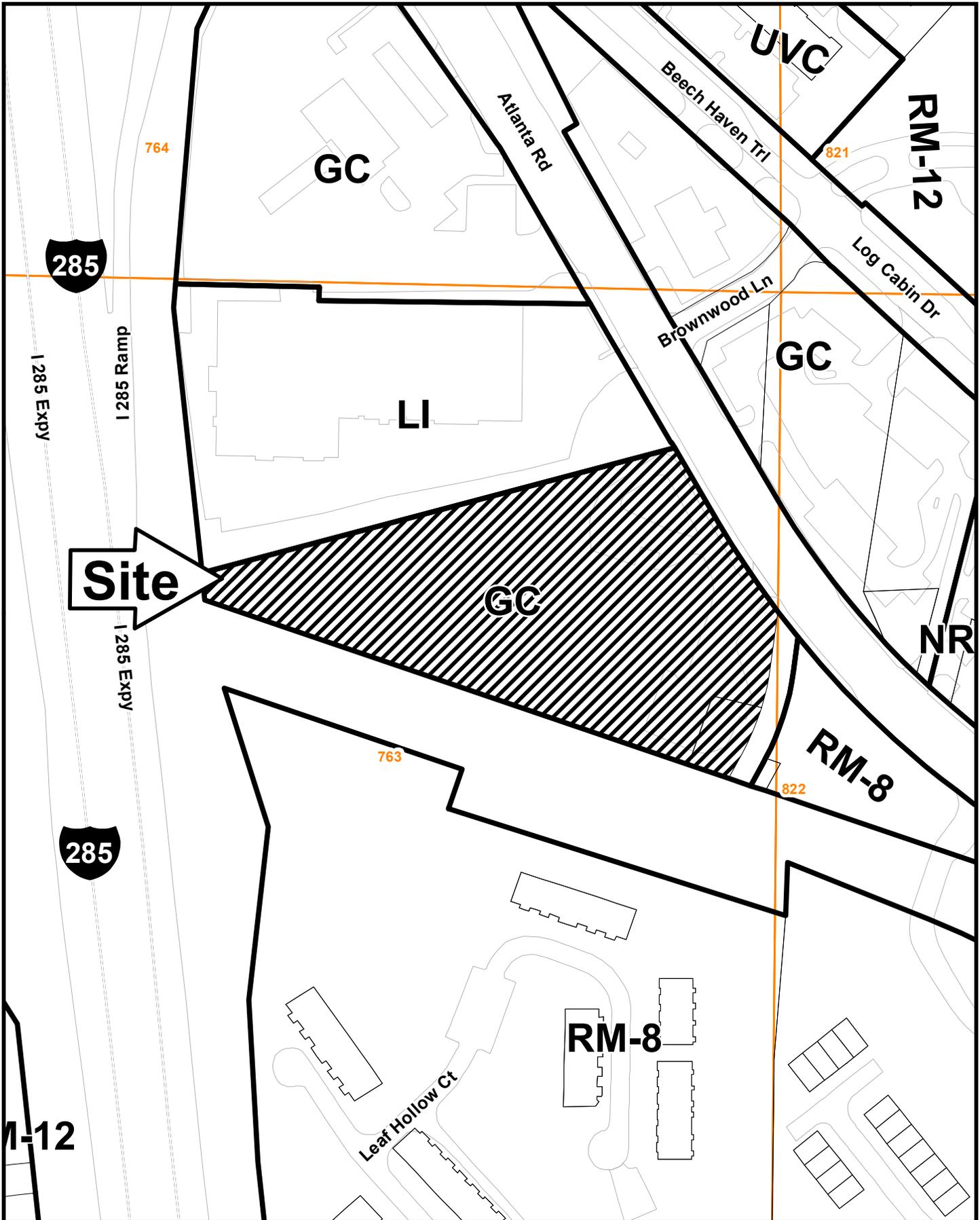
REJECTED _____ **SECONDED** _____

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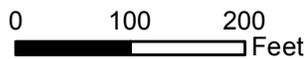
STIPULATIONS:



SLUP-13-2016 GIS



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



-  City Boundary
-  Zoning Boundary

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PRESENT ZONING: GC

PETITION FOR: SLUP

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

The applicant is requesting a Special Land Use Permit (SLUP) in order to utilize the subject property for the purpose of a climate controlled self-service storage facility. The existing one-story building containing a total of 84,702 sq. ft. will be renovated and have added a one-story self-storage addition of 17,900 sq. ft. for a total size of 102,602 sq. ft. It will provide 18 parking stalls, more than the required one (1) per 80 storage units (12). As presented, the front setback will require a reduction by less than 10 feet in the northeast corner to accommodate the corner of the building addition. Also, the rear setback does not apply adjacent to the railroad spur located to the rear of the property as per Sec. 134-264. At one story, the building will adhere to GC requirements that state the building height should not exceed those of other buildings. The F.A.R. is .59, coming in under the Code's requirement of 2.0. While the applicant has not provided architectural renderings of the renovated building and new addition, it is anticipated to follow the Code requirements of being complimentary to the design of other commercial uses within the activity center. The applicant has stated that the site will have gated access and employ 1-2 employees with hours of operation being 8a.m. to 5p.m. Monday through Friday and 6a.m. to 8p.m. on weekends.

Cemetery Preservation: No comment

WATER & SEWER COMMENTS:

Water and sewer are available.

TRAFFIC COMMENTS:

Recommend sidewalk along Atlanta Road frontage.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

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FIRE COMMENTS:

Modifications may be required to incorporate the Cobb County Fire Marshal’s Office comments.

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 24 feet maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.08.02.1)

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STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Unnamed Trib to Chattahoochee River 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 CONDITIONS

- 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 receiving systems.

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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 site is located between Atlanta Road and I-285 just north of the CSX Railroad right-of-way. The entire site discharges to the south through existing CSX Railway culverts.
2. The proposed development will be required to provide onsite stormwater management for the proposed site expansion.

STAFF RECOMMENDATIONS

SLUP-13 JOHNSON DEVELOPMENT ASSOCIATES, INC.

There are fifteen criteria that must be considered for a Special Land Use Permit. The criteria are below in italics, with the Staff analysis following in bold.

- (1) *Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.* **The use should not adversely affect nearby uses which include other office/warehouses and commercial retail uses. The neighboring RM-8 zoned property houses only the nearby condo community's amenity area (Old Atlanta Station Condos being located across the railroad ROW to the southeast of the subject site.**
- (2) *Whether or not the use is otherwise compatible with the neighborhood.* **The use is compatible with the neighboring uses within the CAC community activity center.**
- (3) *Whether or not the use proposed will result in a nuisance as defined under state law.* **The proposed use should not constitute a nuisance, seeing less traffic, etc. than other potential GC permitted uses.**
- (4) *Whether or not quiet enjoyment of surrounding property will be adversely affected.* **The subject property abuts an industrial office warehouse development to the north and backs up to a railroad right of way to the south. Also, the RM-8 property to the east houses only the entrance/amenity area to the Old Atlanta Station Condo community located further southeast. Therefore, the quiet enjoyment of these surrounding properties should not be adversely affected.**
- (5) *Whether or not property values of surrounding property will be adversely affected.* **The proposed development should not negatively affect property values of surrounding properties.**
- (6) *Whether or not adequate provisions are made for parking and traffic considerations.* **The proposal represents adequate access off of Atlanta Road and proposes more than the required amount of onsite parking.**
- (7) *Whether or not the site or intensity of the use is appropriate.* **The subject property is zoned GC general commercial district and located within a CAC community activity center. The proposed use is compatible with both the zoning and this future land use category and provides for a use that may produce less intensity than other potential GC uses.**
- (8) *Whether or not special or unique conditions overcome the board of commissioners' general presumption that residential neighborhoods should not allow noncompatible business uses.* **The property and general area is zoned commercial and located within a CAC future land use area. The adjacent RM-8 property is only used for the entrance/amenity area for the condo community farther away.**

SLUP-13 JOHNSON DEVELOPMENT ASSOCIATES, INC. (Continued)

- (9) *Whether or not adequate provisions are made regarding hours of operation. The applicant has indicated that the hours of operation will be Monday through Friday 8a.m. to 5p.m. and 6a.m. to 8p.m. on weekends.*
- (10) *Whether or not adequate controls and limits are placed on commercial and business deliveries. Given the site's access and parking provided, the primary business of storage by customers should be reasonably accommodated on site.*
- (11) *Whether or not adequate landscape plans are incorporated to ensure appropriate transition. No landscape plans have been provided.*
- (12) *Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected. The proposed use may not adversely affect the public health, safety, welfare, or moral concerns of the surrounding properties.*
- (13) *Whether the application complies with any applicable specific requirements set forth in this chapter for special land use permits for particular types of uses. The proposal meets Code requirements for climate controlled self-service storage facilities including parking, building height and FAR.*
- (14) *Whether the applicant has provided sufficient information to allow a full consideration of all relevant factors. The applicant has provided sufficient information for full consideration but as architectural renderings have not been submitted, these should be reviewed prior to start of construction to ensure compatibility with adjacent buildings.*
- (15) *In all applications for a special land use permit the burden shall be on the applicant both to produce sufficient information to allow the county fully to consider all relevant factors and to demonstrate that the proposal complies with all applicable requirements and is otherwise consistent with the policies reflected in the factors enumerated in this chapter for consideration by the county. The proposed use is permitted in the GC general commercial district and can be supported within the site's CAC community activity center future land use area. The proposal meets Code requirements for the intended use and should not adversely affect neighboring properties.*

Based upon the above analysis, Staff recommends **APPROVAL**, subject to:

- (1) Site plan received by Zoning Division on July 7, 2016, with the District Commissioner approving minor modifications;
- (2) Architectural elevations to be approved by the District Commissioner prior to issuance of building permits;
- (3) Landscape plan to be reviewed by County Arborist and approved by District Commissioner prior to land disturbance;
- (4) Water and Sewer Division comments and recommendations;
- (5) Stormwater Management Division comments and recommendations;
- (6) Fire Department comments and recommendations; and
- (7) 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.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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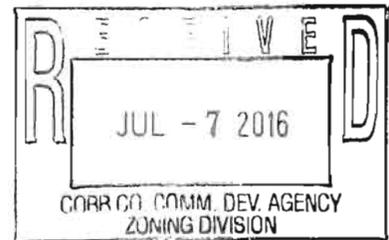
ADAM J. ROZEN

WWW.SLHB-LAW.COM

July 7, 2016

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064



Re: Application for Special Land Use Permit
Applicant: Johnson Development Associates, Inc.
Property: 4676 Atlanta Road, Smyrna, Cobb County, GA 30080

Dear John:

As you know, Section 134-37(e) of the Cobb County Zoning Ordinance requires the Board of Commissioners (“BOC”) to consider fifteen (15) guidelines, at a minimum, when deciding whether to grant or deny a SLUP Application. Applying the fifteen (15) guidelines to the Application shows that the BOC should grant this Application.

**ANALYSIS OF ZONING STANDARDS IN SUPPORT OF
JOHNSON DEVELOPMENT ASSOCIATES, INC.**

1. Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.

The climatized self-storage facility shall not have any adverse effect on the neighborhood. The business will not add traffic and will be a quiet neighbor.

2. Whether or not the use is otherwise compatible with the neighborhood.

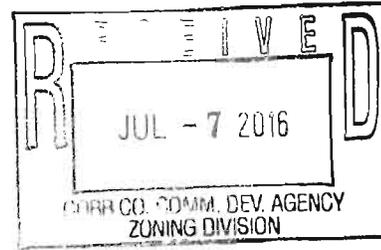
The property is sandwiched between a railroad spur and Atlanta Road. The use is a repurposing of an existing commercial building and will be more compatible than any other use of the building or the property.

SAMS, LARKIN, HUFF & BALLI

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3. Whether or not the use proposed will result in a nuisance as defined under state law.

The use will not create any nuisances.

4. Whether or not quiet enjoyment of surrounding property will be adversely affected.

The surrounding properties will only benefit from the proposed use which will make the building viable. The remodeling of the building will be an attractive addition.

5. Whether or not property values of surrounding property will be adversely affected.

The surrounding property will not decrease in value.

6. Whether or not adequate provisions are made for parking and traffic considerations.

There is plenty of adequate parking for the proposed use.

7. Whether or not the site or intensity of the use is appropriate.

The use is the least intensive use of the GC property.

8. Whether or not special or unique conditions overcome the Board of Commissioners' general presumption that residential neighborhoods should not allow noncompatible business uses.

The use is compatible with the existing commercial buildings in the area and the use will be used by the area residents for storage.

9. Whether or not adequate provisions are made regarding hours of operation.

The facility will have adequate limitations on the hours of operation.

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Cobb County Zoning Division
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10. Whether or not adequate controls and limits are placed on commercial and business deliveries.

The business will only have small deliveries and the deliveries will not negatively impact the surrounding properties.

11. Whether or not adequate landscape plans are incorporated to ensure appropriate transition.

There is no need for any additional landscaping to ensure adequate transition. The townhome community to the south has an adequate buffer.

12. Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected.

The self-storage facility will not negatively impact the health, safety or welfare of the area. The business will be an asset for the surrounding residents who live in townhomes and apartments and need extra storage space.

13. Whether the application complies with any applicable specific requirements set forth in this chapter for Special Land Use Permits for particular types of uses.

The applicant complies with all the applicable requirements set out for the Special Land Use Permit.

14. Whether the applicant has provided sufficient information to allow a full consideration of all relevant factors.

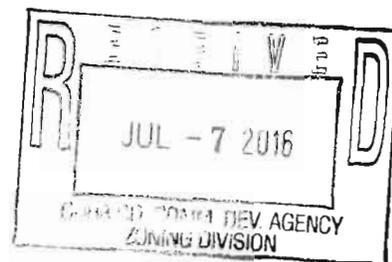
The applicant will provide additional information regarding the proposed architecture.

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VIA HAND DELIVERY

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Cobb County Zoning Division
Community Development Agency
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15. In all applications for a Special Land Use Permit the burden shall be on the Applicant both to produce sufficient information to allow the County fully to consider all relevant factors and to demonstrate that the proposal complies with all applicable requirements and is otherwise consistent with the policies reflected in the factors enumerated in this Chapter for consideration by the County.

The applicant will provide any additional information requested by the County to fully comply with all reasonable requests to ameliorate any potential negative impact created by the proposed business.

Based upon all of these factors, the Applicant has produced sufficient information to allow the BOC to fully consider all relevant factors and to demonstrate that the Application complies with all applicable requirements and is otherwise consistent with the policies reflected in the factors enumerated in this chapter for consideration by Cobb County. In that regard, the BOC should approve the Application.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP

Parks F. Huff
phuff@slhb-law.com

PFH/klk

cc: Mr. Justin Story, Johnson Development Associates, Inc. (via email w/attachments)