



Cobb County Community Development Agency  
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-38  
Public Hearing Dates:  
PC: 07-03-18  
BOC: 07-17-18

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**SITE BACKGROUND**

Applicant: Mequity Acquisitions, LLC

Phone: (404) 303-8700

Email: Bill.marsh@mequity.com

Representative Contact: Garvis L. Sams, Jr.

Phone: (770) 422-7016

Email: gsams@slhb-law.com

Titleholder: 2141 PF, LLC

Property Location: Off a private easement on the northeast side of Powers Ferry Road, north side of Interstate North Parkway

Address: 2141 Powers Ferry Road

Access to Property: Private easement from Powers Ferry Road

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**QUICK FACTS**

Commission District: 2-Ott

Current Zoning: O&I (Office & Institutional)

Current use of property: Offices

Proposed zoning: RRC (Regional Retail Commercial)

Proposed use: Climate-Controlled Self-Service Storage Facility

Future Land Use Designation: RAC (Regional Activity Center)

Site Acreage: 2.556 ac

District: 17

Land Lot: 1056 and 1057

Parcel #: 17105600050

Taxes Paid: Yes

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**FINAL ZONING STAFF RECOMMENDATION:**

(Zoning staff member: Jason Campbell)

Based on the analysis of this application, Staff recommends **APPROVAL** subject to the following:

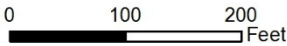
1. Site plan received by the Zoning Division on May 11, 2018, with the District Commissioner approving minor modifications;
2. Variances mentioned in the Zoning comments;
3. Water and Sewer Division comments and recommendations;
4. Stormwater Management Division comments and recommendations; and
5. Department of Transportation comments and recommendations.



# Z-38 2018-Aerial Map



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

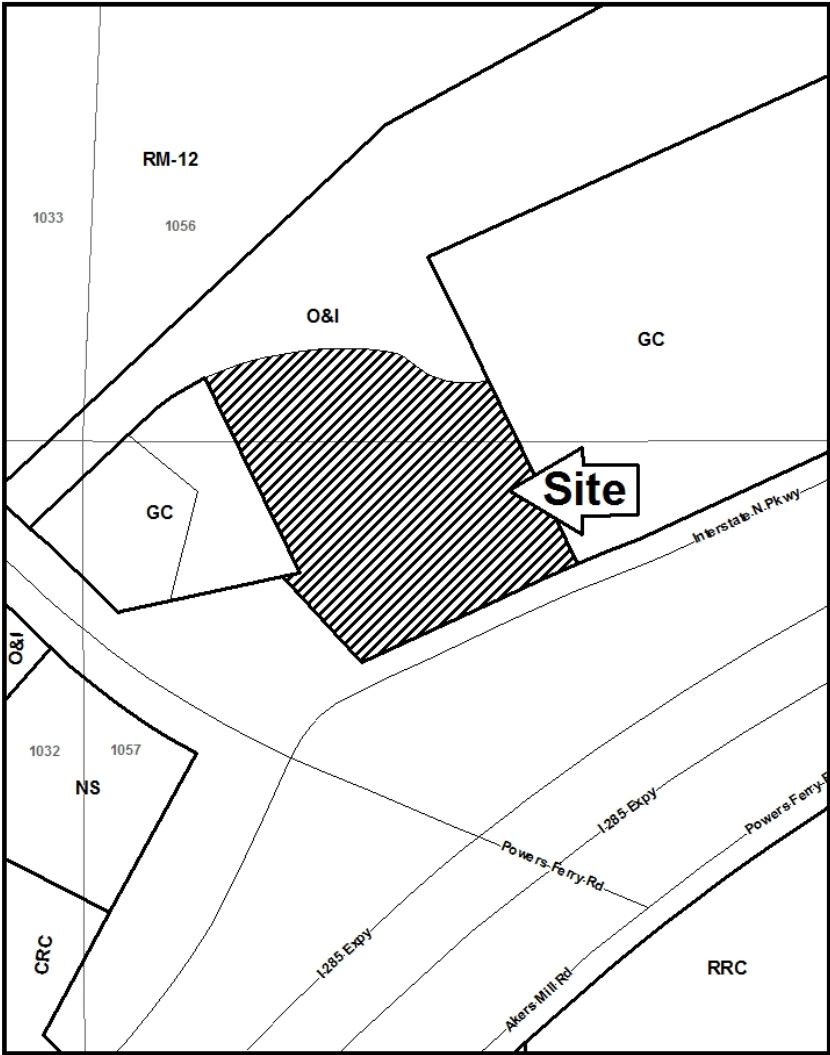


- Land Lot
- City Boundary



**North**  
**Zoning:** O&I (Office & Institutional)  
**Future Land Use:** RAC (Regional Activity Center)

**Z-38 2018-GIS**



This map is provided for display and planning purposes only. It is not meant to be a legal description. 0 100 200 Feet City Boundary Zoning Boundary

**WEST**  
**Zoning:** GC (General Commercial)  
**Future Land Use:** RAC (Regional Activity Center)

**EAST**  
**Zoning:** GC (General Commercial)  
**Future Land Use:** RAC (Regional Activity Center)

**SOUTH**  
**Zoning:** RRC (Regional Retail Commercial) and NRC (Neighborhood Retail Commercial)  
**Future Land Use:** RAC (Regional Activity Center)

## **DEPARTMENT COMMENTS- Zoning Division**

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### **Current zoning district for the property**

The O&I district is established 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 and a regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. The 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 and otherwise to implement the stated purpose of this chapter.

### **Requested zoning district for the property**

The RRC district is established to provide locations for intense retail commercial, office or mixed uses which exceed 500,000 net square feet and which are designed and oriented to serve a regional market making up a community. Projects developed within the RRC district should be done so as compact unified centers. Ideally, projects developed within the RRC district should occupy an area adjacent to or having good access to interstate highways, which is delineated within a regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990.

### **Summary of the applicant's proposal**

The applicant is requesting the Regional Retail Commercial (RRC) zoning district for the purpose of a climate-controlled self-service storage facility with ancillary office use. The existing three-story office building will be converted into a 43,205 square-foot storage facility, and the plan includes the construction of a new three-story, 86,630 square-foot, storage facility with a retail office on the first floor, in place of the existing parking structure. The proposed hours of operation for the storage offices will be from 8 a.m. until 7 p.m., Monday through Saturday, and from 1 p.m. to 6 p.m. on Sundays. Access to the buildings shall be via key cards and/or punch code pads, and there will be no access from midnight to 6 a.m. The applicant has also concurrently filed an application for a Special Land Use Permit (SLUP-6) as required by the Zoning Ordinance.

## **DEPARTMENT COMMENTS- Zoning Division (Continued)**

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### **Non-residential criteria**

Proposed # of buildings: 2  
Proposed # of stories: 3  
Total sq. footage of development: 129,835  
Floor area ratio: 1.16  
Square footage per acre: 50,796  
Required parking spaces: 12  
Proposed parking spaces: 14  
Acres in floodplain or wetlands: 0  
Impervious surface shown: 43%

### **Are there any zoning variances?**

Yes, the proposed site plan will require the following contemporaneous variances:

1. Waive the side setback from the required 50 feet to 15 feet on the eastern property line;
2. Waive the side setback from the required 50 feet to 25 feet on the western property line; and
3. Waive the front setback (Interstate North Parkway) from the required 50 feet to 30 feet.

## **DEPARTMENT COMMENTS- Fire Department**

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No comment.

## **DEPARTMENT COMMENTS- Site Plan Review (County Arborist)**

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No comment.

## **DEPARTMENT COMMENTS- Cemetery Preservation**

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No comment.

## **DEPARTMENT COMMENTS- School System**

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Approval of this petition will not have an impact on the enrollment.

## **DEPARTMENT COMMENTS- Stormwater Management**

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1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Chattahoochee River
4. Wetlands: No
5. Streambank buffer zone: No
6. Project located within ARC Metropolitan River Protection Area (within 2000' of Chattahoochee River). Subject to requirements of original MRPA review (RC-78-11CC)
7. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system.
8. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
9. Existing facility.
10. Special site conditions and/or additional comments:
  - There is an existing master stormwater management facility that provides detention for this site. No additional stormwater will be required if the new or reformed impervious coverage is less than 10,000 square feet. (Water quality will be required for any new or reformed area exceeding 5,000 sf).

## DEPARTMENT COMMENTS- Planning Division

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**Cobb 2040 Comprehensive Plan:** The parcel is within the Regional Activity Center (RAC), with an Office (off) subcategory future land use category. The purpose of the RAC category is to provide for areas that can support high-intensity development which serves a regional market. Typical land uses in these areas include high-rise office buildings, regional malls and residential development of varying densities. Office developments are considered the most appropriate development in the off Sub-Area. However, mixed-use developments that include retail as well as mid- or high-rise residential developments including those in excess of four (4) stories per structure are also appropriate in this category. Because of the unique, urban characteristics of RACs, building height and density should be reviewed on a case-by-case basis.

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Comprehensive Plan Designation:  Consistent  Inconsistent

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### House Bill 489 Intergovernmental Agreement Zoning Amendment Notification

Is the proposal within one-half mile of a city boundary?  Yes  No

Was the City notified?  Yes  No  N/A

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Specific Area Policy Guidelines:  Yes  No

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Masterplan/ Corridor Study  Yes  No

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Design guidelines area?  Yes  No

Does the proposal plan comply with the design requirements?  Yes  No  N/A

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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 for new or existing businesses)*

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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 investment)*

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

(Planning comments continued on the next page)



**DEPARTMENT COMMENTS- Planning Division** (continued)

*(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)*

**Note: For more information on incentives, please call the Community Development Agency- Economic Development Division at 770-528-2018 or find information online at [www.cobbcounty.org/econdev](http://www.cobbcounty.org/econdev).**

**Special District**

- 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

**Dobbins Air Reserve Base Zones**

- Is the property within the Dobbins Airfield Safety Zone?  Yes  No
- Is the property within the Clear Zone (CZ)?  Yes  No
- Is the property within the Accident Potential Zone (APZ I)?  Yes  No
- Is the property within the Accident Potential Zone II (APZ II)?  Yes  No
- Is the property within the Noise Zone?  Yes  No
- Is the property within the Bird/Wildlife Air Strike Hazard Area (BASH)?  Yes  No

**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.

## DEPARTMENT COMMENTS- Water and Sewer

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### Water comments:

Available at development:  YES  NO

Fire flow test required:  YES  NO

Size and location of existing water main(s): 8" in private road

Additional water comments: CCWS records show the property being connected to water

Note: These comments only reflect what facilities were in existence at the time of this review. Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be addressed in the Plan Review process.

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### Sewer comments:

In the drainage basin:  YES  NO

At development:  YES  NO

Approximate distance to nearest sewer: in private road

Estimated waste generation (in G.P.D.): Average daily flow = +0; Peak flow = +0

Treatment plant: Sutton

Plant capacity:  Yes  NO

Line capacity:  YES  NO

Projected plant availability:  0-5 years  5-10 years  over 10 years

Dry sewers required:  YES  NO

Off-site easement required:  YES\*  NO

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

\*If off-site easements are required, the developer/owner must submit easements to the CCWS for review and 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/owner.

Additional sewer comments: CCWS records show the property being connected to sewer

Note: The developer/owner will be responsible for connecting to the existing county water and sewer systems, installing and/or upgrading all outfalls & water mains, obtaining onsite and/or offsite easements, and dedication of onsite and/or offsite water and sewer to Cobb County as may be required. Rezoning does not guarantee water/sewer availability or capacity unless so stated in writing by the Cobb County Water System.

## DEPARTMENT COMMENTS- Transportation

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Interstate North Parkway	Arterial	35	Cobb County	100'
Baby Doe Lane	Private	N/A	N/A	N/A

Roadway	Location	Average daily trips	Level of service
Interstate North Parkway	East of Riveredge Parkway	17,200	E
Baby Doe Lane	N/A	N/A	N/A

*Based on 2016 AADT counting data taken by GDOT, as published on their website, for Interstate North Parkway.*

*Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for local roads from this data source.*

*LOS C or D is acceptable based on GDOT Design Policy Manual criteria.*

### Comments and observations

Interstate North Parkway is classified as an arterial roadway and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

### Recommendations

1. Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the north side of Interstate North Parkway, a minimum of 50' from the roadway centerline.
2. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
3. Recommend applicant verify that a minimum intersection sight distance of 390' is available for Baby Doe Lane access.
4. Recommend applicant coordinate with GDOT to ensure compatibility with any proposed interstate improvement projects.

STAFF ANALYSIS

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Per section 134-122 of the Official Code of Cobb County, below is a written zoning analysis relating to the following (question in bold; the answer is not bold):

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

It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the activity and development of adjacent and nearby properties. The area contains a mixture of multi-family, office, retail, and an auto dealership.

**B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;**

The proposed development will provide a commercial use that is lower in intensity than other uses that could be developed under the same category and it will not adversely affect other properties.

**C. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;**

It is Staff's opinion that the applicant's 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. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive plan;**

It is Staff's opinion that the applicant's proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being within the Regional Activity Center (RAC) future land use category. The proposed use is permitted under the requested Regional Retail Commercial (RRC) zoning district with a Special Land Use Permitted, and the applicant has submitted that application concurrently (SLUP-6) with this rezoning request.

STAFF ANALYSIS (Continued)

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**E. 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;**

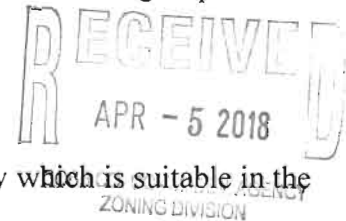
It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The property is located within an area that already includes commercial, multi-family, and office/warehouse uses. The proposed development will permit a commercial use that is less intense than other uses that could be allowed under the proposed zoning.

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



**ZONING IMPACT STATEMENT FOR THE  
REZONING APPLICATION  
OF MEQUITY ACQUISITIONS, LLC**

COMES NOW, MEQUITY ACQUISITIONS, LLC, and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

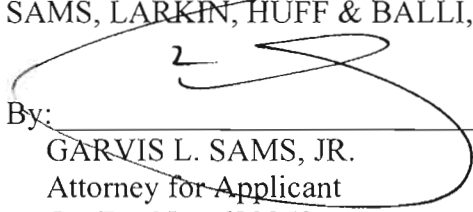


- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings in direct contiguity to the subject property and along the I-285 Corridor. Also, the development proposal is supported by the “mass” of the adjacent and nearby multi-family developments and office parks.
  
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties, the preponderance of which are high density residential developments, large scale office parks and various retail/commercial uses.
  
- 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 O&I.

- 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 O&I 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 I-285 Corridor, Powers Ferry Road and surrounding areas, respectively, there are no established land use planning principles or political considerations which would have an adverse effect upon this proposed rezoning.

RECEIVED  
APR - 5 2018  
COBB COUNTY DEV. AGENCY  
ZONING DEPARTMENT

Respectfully submitted, this the 4 day of April, 2018.

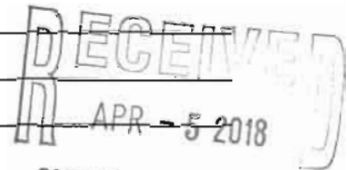
SAMS, LARKIN, HUFF & BALLI, LLP  
By:   
GARVIS L. SAMS, JR.  
Attorney for Applicant  
Ga. Bar No. 623950

SAMS, LARKIN, HUFF  
& BALLI, LLP  
A LIMITED LIABILITY PARTNERSHIP  
ATTORNEYS AT LAW  
SUITE 100  
376 POWDER SPRINGS ST.  
MARIETTA, GA 30064  
770.422.7016

## Summary of Intent for Rezoning

.....  
**Part 1. Residential Rezoning Information (attach additional information if needed)**

- a) Proposed unit square-footage(s): N/A
- b) Proposed building architecture: \_\_\_\_\_
- c) List all requested variances: \_\_\_\_\_



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

- a) Proposed use(s): Self-Service Storage Facility and ancillary office utilization
- b) Proposed building architecture: The Applicant proposes the rehabbing and reconfiguration of the existing office building and converting an existing parking structure to accommodate the proposed use.
- c) Proposed hours/days of operation: 8:00 a.m. until 7:00 p.m., Monday - Saturday and 1:00 p.m. to 6:00 p.m. on Sundays
- d) List all requested variances: None known at this time.

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

The Subject Property is located within the confines of a Regional Activity Center ("RAC") under Cobb County's Future Land Use Map, which contemplates the type of use sought. The subject property is bordered to the south by Interstate North Parkway and then I-285, and to the east by Powers Ferry Road, all of which are highly traveled roadways. Additionally, this sub-area is highly commercialized and includes several high density apartment complexes.

- .....  
**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).** N/A

\* The Applicant specifically reserves the right to amend any information set forth in this Summary of Intent for Rezoning, the preliminary information provided herein or any other portion of the Application for Rezoning, at any time during the Rezoning or SLUP process.

**Planning Commission Decision**

NO. OPPOSED: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ DELETED TO \_\_\_\_\_

NO. IN SUPPORT \_\_\_\_\_ MOTION BY: \_\_\_\_\_ SECONDED: \_\_\_\_\_ VOTE: \_\_\_\_\_

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**Names of those Opposed:**

**Comments:**

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Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_

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**Board of Commissioners Decision**

NO. OPPOSED: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ DELETED TO \_\_\_\_\_

NO. IN SUPPORT \_\_\_\_\_ MOTION BY: \_\_\_\_\_ SECONDED: \_\_\_\_\_ VOTE: \_\_\_\_\_

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**Names of those Opposed:**

**Comments:**

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Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_