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A LIMITED LIABILITY PARTNERSHIP
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◊ ADMITTED ONLY IN KY
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August 6, 2018

Hand Delivered

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

FILED WITH COUNTY CLERK THIS 7th DAY
OF August 20 18 BY Kevin Moore
RE SLUP-8
Rob E. Dwyer
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA

RE: Application for Special Land Use Permit

Application No.: SLUP-8 (2018)
Applicant: Home Star Storage, LLC
Property Owner: MSC Veterans Memorial, LLC
Property: 16.382 acres, more or less, located on the south side of Veterans Memorial Highway; the west side of Garner Road; the north side of Lee Road; and the east side of Glore Drive, (381 Veterans Memorial Highway), Land Lot 109, 17th District, and Land Lot 41, 18th District, 2nd Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent Home Star Storage, LLC, as Applicant (hereinafter referred to as "Applicant"), and MSC Veterans Memorial, LLC, the Property Owner (hereinafter "Owner" or "Property Owner"), in the above-referenced Application for Special Land Use

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Permit with regard to a total tract of 16.382 acres, more or less, located on the south side of Veterans Memorial Highway, the west side of Garner Road, the north side of Lee Road, and the east side of Glore Drive, being more particularly known as 381 Veterans Memorial Highway, Land Lot 109, 17th District, and Land Lot 41, 18th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). After meetings with Planning and Zoning Staff, reviewing the Departmental Comments and Staff Recommendations; reviewing the uses of surrounding properties, and meetings and discussions with area residents and homeowner representatives, we have been authorized by the Applicant to submit this revised letter of agreeable stipulations and conditions, which, if the Application for Special Land Use Permit is approved, as submitted, shall become a part of the grant of the requested Special Land Use Permit and shall be binding upon the Subject Property. This letter shall supersede and replace in full the previous letter of agreeable stipulations and conditions dated and filed August 1, 2018. The proposed, revised stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all Departmental Comments and Staff Recommendations relating to the Subject Property from any prior zoning actions.
- (2) Applicant seeks approval of a Special Land Use Permit, for the operation of a climate controlled self-storage facility for Home Star Storage, LLC, its successors and assigns only, site plan specific to the Site Plan dated December 11, 2013, last revised May 1, 2018, prepared by Acme American, LLC, and submitted with the Application for Special Land Use Permit on May 3, 2018. A reduced copy of the Site Plan is attached hereto as Exhibit "A" and incorporated herein by reference.
- (3) Applicant proposes renovating the two existing warehouse structures to be used as climate-controlled self-storage facilities which shall contain a combined maximum of 115,000 square feet of gross floor area. The third, smaller structure shall also be renovated for office and retail space, and shall contain a maximum of 2,500 square feet.
- (4) Applicant agrees to the creation of an Architectural Review Committee comprised of representatives of Applicant, Mableton Improvement Coalition, and Cobb County Community Development Agency, with final approval by the District Commissioner.

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- (5) There shall be no outside storage of any type or kind; including, but not limited to, vehicles, motorcycles, campers, boats, recreational vehicles, and the like.
- (6) Signage for the proposed development shall consist of ground-based monument style signage located on Veterans Memorial Parkway, with the design, finish, materials, and colors to be complementary to the renovated structures. All signage shall comport with the requirements of the Cobb County Sign Ordinance; as well as, the Veterans Memorial Highway Design Guidelines.
- (7) Lighting for the parking areas shall be environmentally sensitive, shoe-box style and shall be fitted with non-glare lenses and cut-off shields to prevent light from extending beyond the property line. All lighting shall comply with Cobb County Code requirements and the Veterans Memorial Highway Design Guidelines.
- (8) Security lighting on the proposed facilities shall be wall packs, hooded, environmentally sensitive, and shall be fitted with non-glare lenses and cut-off shields to prevent light from extending beyond the property line.
- (9) The dumpsters servicing the facilities shall be enclosed, secured, and fully comply with all applicable Cobb County Codes and Ordinances.
- (10) Applicant will utilize the existing detention facility located on the Subject Property and shall be responsible for and perform all necessary repairs on said facility to meet Cobb County Code requirements. Stormwater Management will perform an environmental compliance study on this site and validate the inspection of the facility, structures, and spillways to confirm functionality. All findings to be resolved prior to issuance of business permits being pulled to address issues with the detention pond.
- (11) Applicant agrees to the formation of a Landscape Review Committee comprised of a representative of Applicant/Developer, a representative of the Mableton Improvement Coalition, and the Cobb County Arborist, or a designee, which will review and approve the final landscape plans for landscaping along the road frontages of the Subject Property. The landscaping buffer shall be a thirty (30) foot, evergreen landscaped buffer that, at planting, will provide a visual barrier along (or near) the frontages of the Property on Lee Road, Garner Road, and Glore Drive. Landscaping is required to be maintained in perpetuity, with dead plants replaced within ninety (90) days and kept free of invasive weeds and vines.

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Applicant shall maintain all public roadway frontages so that vegetation does not impinge on the pavement, block sight lines, or prevent two-way traffic.

- (12) Applicant agrees to the installation of a thirty (30) foot landscape buffer along the frontages of the Property on Lee Road, Garner Road, and Glore Drive, such landscaping to be approved by the Landscape Review Committee.
- (13) Minor modifications to the within stipulations, the referenced Site Plan, lighting, signage, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:
 - (a) Increase the density of a residential project or the overall square footage of a non-residential project;
 - (b) Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district;
 - (c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district;
 - (d) Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district;
 - (e) Change an access location to a different roadway;
 - (f) Would be in direct contradiction or conflict with any of the stipulations of this rezoning;
 - (g) Would be in direct contradiction or conflict with Cobb County Code and Ordinances; or
 - (h) Would be in direct contradiction or conflict with any Staff Recommendations that were adopted into the final zoning decision.
- (14) All setback, landscape, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management; including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.

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- (15) Applicant shall comply with all Cobb County Development Standards and Ordinances relating to project improvements, including stormwater management, detention, and hydrology; except as approved by the Cobb County Board of Commissioners, Cobb County Department of Transportation, or Cobb County Community Development Agency, as their authority may allow.
- (16) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (17) Applicant agrees that any future development beyond that shown on the Site Plan of the remainder of the Property will be submitted as a rezoning application.
- (18) Applicant agrees the proposed redevelopment project, including landscaping at the entranceway and signage, will comply with the Veterans Memorial Highway Design Guidelines.
- (19) Applicant agrees that the entirety of the Subject Property will be cleaned of debris, rubbish, and general trash, and will be maintained in a manner to comply with Cobb County Codes and Ordinances.
- (20) For security purposes, the entirety of the property designated as "Tract 1" on the Site Plan shall be fenced and access shall be by an electronic keypad at the main gate for customer access.
- (21) Public access to the facility will be from 6:00 a.m. to 9:00 p.m. Monday through Sunday.
- (22) All Code Enforcement issues will be resolved prior to submission of building permit applications.
- (23) Parking will be allowed in paved and striped spaces only; paving and striping shown on the Site Plan to be maintained as long as buildings are occupied; all parking spaces to be properly striped prior to issuance of Certificate(s) of Occupancy. Parking shall be allowed only on currently paved surface with barriers or fences installed to prevent vehicles from leaving the pavement, except for property maintenance.
- (24) All banners and signs to be properly permitted and comply with the Cobb County Sign Ordinance.

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- (25) No outdoor speakers will be allowed, doors to building to be closed while buildings are in use, except as required to comply with Safety Regulations.
- (26) No alcohol will be sold, consumed, or present on the Property.
- (27) No certificates of occupancy or business licenses shall be issued until the requirements of paragraphs 4, 6, 7, 8, 9, 10, 11, 12, 16, 18, 19, 20, 22, 23, and 29 are met.
- (28) The following uses are prohibited:
 - Tattoo parlors;
 - Public assembly halls;
 - Cash checking businesses;
 - Gold or precious metal dealers;
 - Sale of guns, knives, or weapons;
 - Pawn, title pawn, thrift stores, or second-hand stores;
 - Adult entertainment;
 - Nighclubs;
 - Free-standing emissions inspection stations;
 - Hotels, motels, or rooming houses;
 - Taxi dispatching services;
 - No bulk warehousing;
 - Used tire sales;
 - Discount sales;
 - Drive-thru windows;
 - Auto-related uses.
- (29) Cobb DOT comments and recommendations *not otherwise in conflict* with the following changes/additions:
 - (a) Installation of curb, gutter, and sidewalks on Garner Road, Lee Road, and Glore Drive be delayed until the approval of additional development;
 - (b) No access to any commercial traffic on Garner Road, Lee Road, and Glore Drive;

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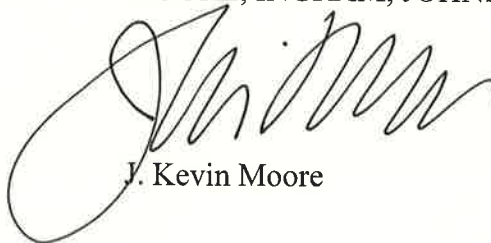
- (c) All access to Garner Road from the Subject Property shall be removed. The house on Glore Drive shall be used for residential purposes only. If it is vacant for six (6) months or longer, it shall be demolished and all access to the Subject Property from Glore Drive shall be removed and a landscaping barrier put in place similar to that required in paragraphs 11 and 12 above; and
- (d) Owner/Developer to enter into a Development Agreement pursuant to O.C.G.A. § 36-71-13 for dedication of system improvements to mitigate traffic concerns.

We believe approval of the requested Special Land Use Permit, pursuant to the Site Plan and the revised stipulations set forth herein, is an appropriate use of the Subject Property. Granting of the proposed Special Land Use Permit will allow for existing structures to be renovated and retrofitted into a use which would enhance the Subject Property and the provide a service to the overall community. Additionally, the remainder of the Subject Property will be improved, which would allow for a total, all-encompassing improvement to the Property and the surrounding area. We appreciate very much your consideration; as well as that of the Cobb County Planning Commission and Cobb County Board of Commissioners, in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP

A handwritten signature in black ink, appearing to read "J. Kevin Moore", is written over the typed name below.

J. Kevin Moore

JKM:cc
Attachment

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c: Cobb County Board of Commissioners:
Mike Boyce, Chairman
JoAnn Birrell
Lisa N. Cupid
Robert J. Ott
Bob Weatherford
(With Copy of Attachment)

Cobb County Planning Commission
Judy Williams, Chairman
Thea Powell
Skip Gunther
Galt Porter
Andy Smith
(With Copy of Attachment)

Sonya Wheatley
Mableton Improvement Coalition
(With Copy of Attachment)

Teresa Wade
Area Resident
(With Copy of Attachment)

Home Star Storage, LLC
(With Copy of Attachment)

OWNER/DEVELOPER: MSC VETERANS MEMORIAL, LLC
 CONTACT PERSON: MR. Larry Murphy
 244R EMERGENCY # 802-289-9517

ENGINEER/SURVEYOR:
 ACME AMERICAN, LLC LS8776
 319 ALABAMA ST., SUITE 400
 MABLETON, GA 30126
 JASPER W. PROCTOR
 (770) 465-8880

LL 109, 17TH DISTRICT, 2ND SECTION
 COBB COUNTY, GEORGIA
 ACCORDING TO F.I.R. COMMUNITY PANEL
 # 1388700885 DATED: 18 AUGUST 1992
 THIS PROPERTY IS NOT LOCATED IN AN
 AREA HAVING SPECIAL FLOOD HAZARDS.

EMERGENCY CONTACT
 1. No telephone on site
 2. No fire hydrant on site
 3. No fire hydrant on site

Parking Notes
 Existing Warehouse= 26000 sf/2000sf= 13.0 spaces
 Existing Office= 3000 sf/200 sf= 15.0 spaces
 Proposed Recreation= 21680 sf/200 sf= 108 spaces
 Spaces Req'd= 136 Spaces
 Spaces Furn'd= 136= 136 OK
 6 Handicapped Spaces

Existing CHURCH= 72PERSONS/4= 18 SPACES
 Spaces Furn'd= 18= 18 OK

LEGEND
 Existing Center Lines
 Proposed Center Lines
 Proposed Right of Way
 Proposed Easements
 Proposed Utility Lines
 Proposed Structures
 Proposed Driveways
 Proposed Fences
 Proposed Setbacks
 Proposed Buffers
 Proposed Stormwater Management
 Proposed Landmarks
 Proposed Survey Points
 Proposed Survey Lines
 Proposed Survey Bearings
 Proposed Survey Distances
 Proposed Survey Area
 Proposed Survey Date

GRAPHIC SCALE
 SCALE: 1" = 80'-0"

RECEIVED
 MAY - 3 2018
 STATE OF GEORGIA
 DEPARTMENT OF REVENUE
 COBB COUNTY, GEORGIA
 RECEIVED

TRACT I
 ACRES: 16.382
 713,583.74 sf

TRACT II
 N/F REHMANI
 DB 9494
 PG 99

TRACT III
 N/F REHMANI
 DB 14384
 PG 4005

TRACT IV
 N/F REHMANI
 DB 2723
 PG 463

TRACT V
 N/F REHMANI
 DB 9494
 PG 99

TRACT VI
 N/F REHMANI
 DB 9494
 PG 99

TRACT VII
 N/F REHMANI
 DB 9494
 PG 99

TRACT VIII
 N/F REHMANI
 DB 9494
 PG 99

TRACT IX
 N/F REHMANI
 DB 9494
 PG 99

TRACT X
 N/F REHMANI
 DB 9494
 PG 99

TRACT XI
 N/F REHMANI
 DB 9494
 PG 99

TRACT XII
 N/F REHMANI
 DB 9494
 PG 99

TRACT XIII
 N/F REHMANI
 DB 9494
 PG 99

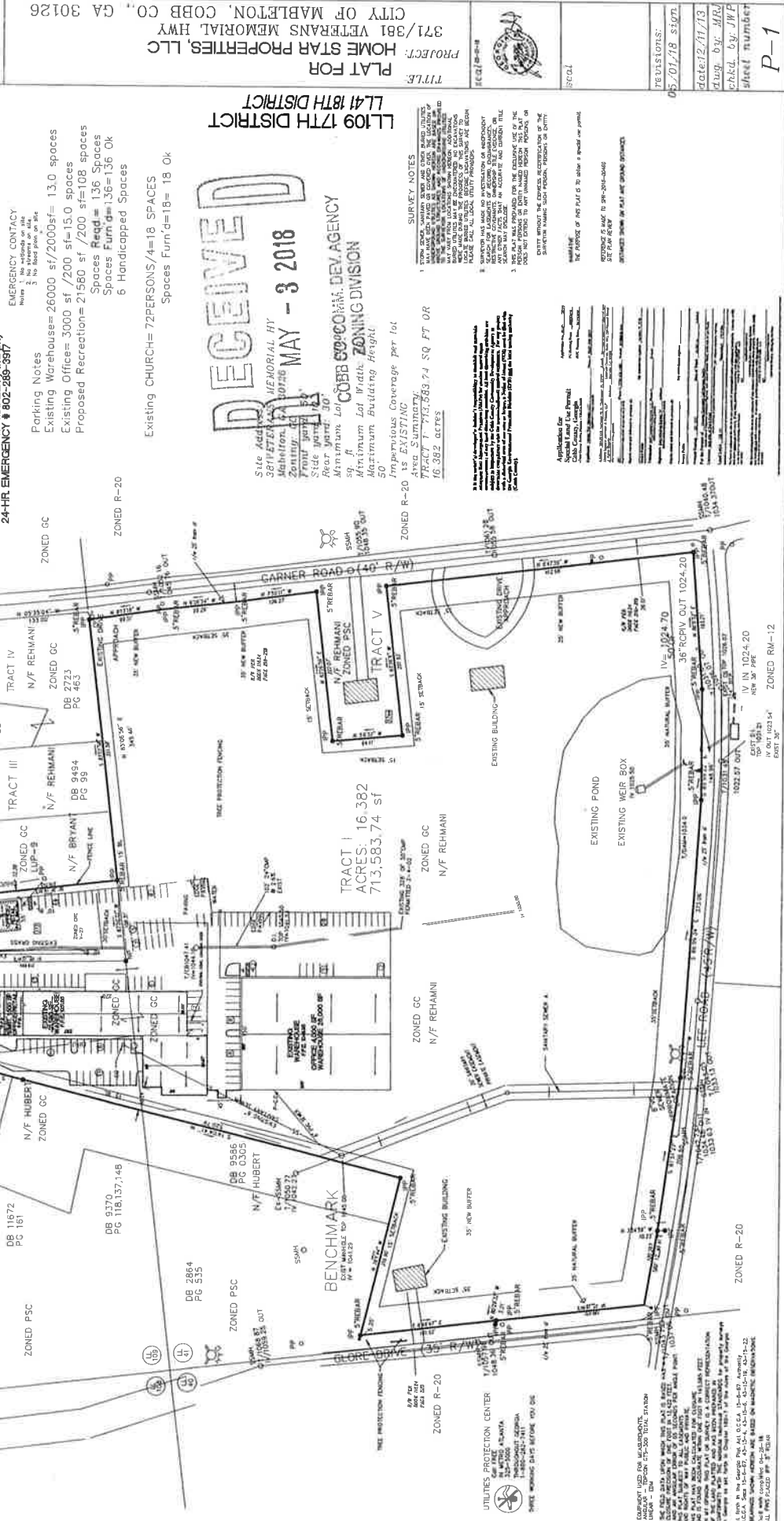
TRACT XIV
 N/F REHMANI
 DB 9494
 PG 99

TRACT XV
 N/F REHMANI
 DB 9494
 PG 99

TRACT XVI
 N/F REHMANI
 DB 9494
 PG 99

TRACT XVII
 N/F REHMANI
 DB 9494
 PG 99

TRACT XVIII
 N/F REHMANI
 DB 9494
 PG 99



LOCATION MAP (NOT TO SCALE)

UTILITIES PROTECTION CENTER
 1. ALL UTILITIES TO BE PROTECTED
 2. ALL UTILITIES TO BE PROTECTED
 3. ALL UTILITIES TO BE PROTECTED

REVISIONS:
 05/01/18 s307L

DATE: 12/11/13
 DRAWN BY: MRJ
 CHECKED BY: JWP
 SHEET NUMBER: P-1

EXHIBIT "A"