



Case # SLUP-12  
Public Hearing Dates:  
PC: 12-04-18  
BOC: 12-18-18

Cobb County Community Development Agency  
Zoning Division  
1150 Powder Springs St. Marietta, Georgia 30064

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### SITE BACKGROUND

Applicant: Acworth Baker Grove, LLC

Phone: See representative's information

Email: See representative's information

Representative Contact: Garvis L. Sams, Jr.

Phone: (770) 422-7016

Email: gsams@slhb-law.com

Titleholder: Scoggins Limited Partnership

Property Location: On the north side of Hickory Grove Road, east of Baker Road

Address: 2536 Hickory Grove Road

Access to Property: Hickory Grove Road

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### QUICK FACTS

Commission District: 1-Weatherford

Current Zoning: R-20 (Single-family Residential)

Current use of property: Undeveloped

Proposed use: Climate-controlled Self-Service Storage Facility

Future Land Use Designation: NAC (Neighborhood Activity Center)

Site Acreage: 1.81 ac

District: 20

Land Lot: 25 & 26

Parcel #: 20002500050

Taxes Paid: Yes

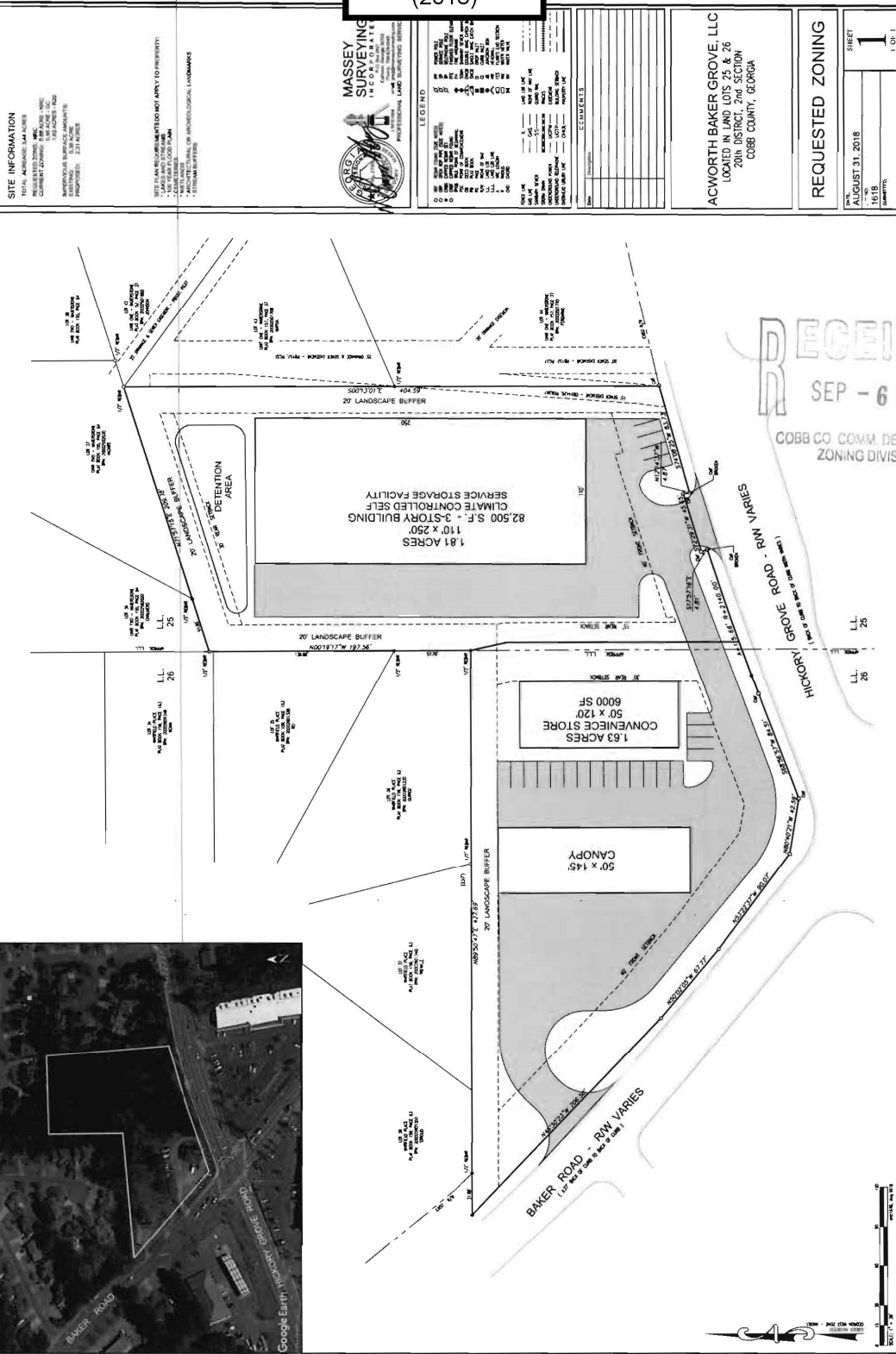
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FINAL ZONING STAFF RECOMMENDATION:  
(Zoning staff member: Terry Martin, MPA)

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

1. Site plan received by the Zoning Division on September 6, 2018, with the District Commissioner approving minor modifications;
2. Variances as outlined in the Zoning Division comments;
3. District Commissioner to approve landscape plan;
4. District Commissioner to approve building architecture and colors of the building;
5. Fire Department's comments and recommendations;
6. Sewer and Water Division's comments and recommendations;
7. Stormwater Management Division's comments and recommendations;
8. Department of Transportation's comments and recommendations; and
9. Building be designed so the maximum height is 35', or less.

SLUP-12  
(2018)

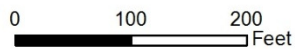




RECEIVED  
 SEP - 6 2018  
 COBB CO. COMM. DEV. AGENCY  
 ZONING DIVISION

# SLUP-12 2018-Aerial Map



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

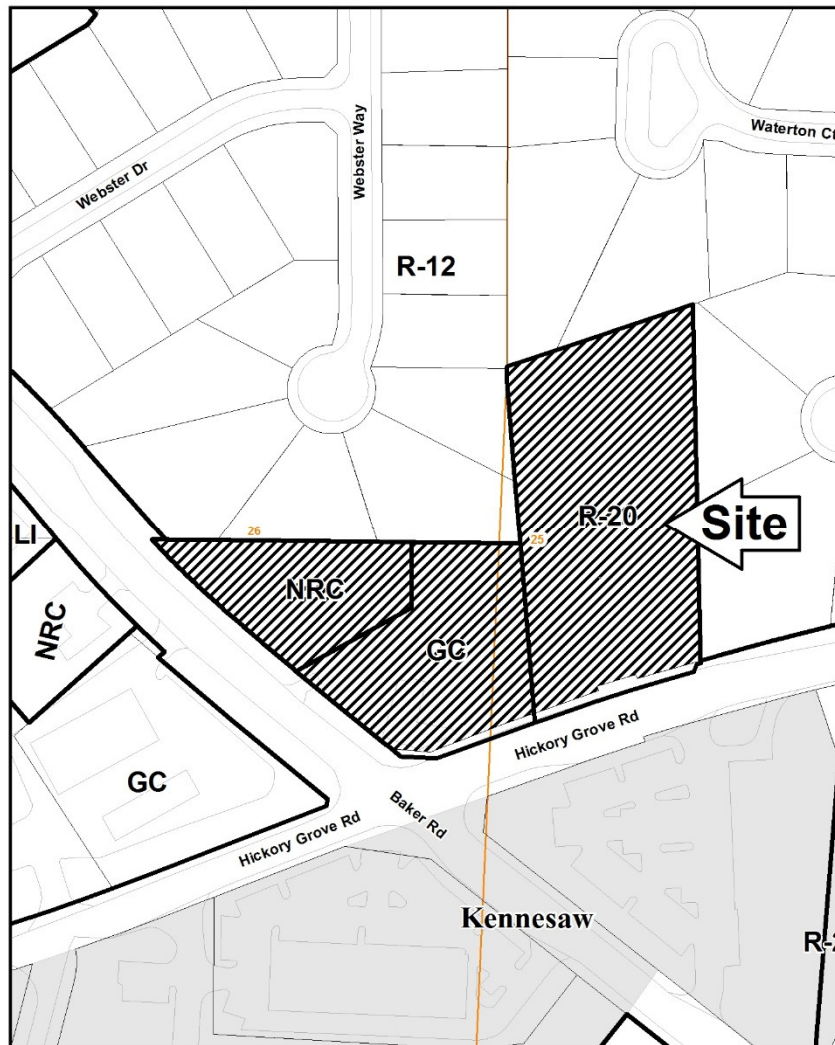


-  Zoning Boundary
-  City Boundary



North  
**Zoning:** R-12 (Single-family Residential)  
**Future Land Use:** LDR (Low Density Residential)

**SLUP-12 2018-GIS**



WEST

**Zoning:** GC  
 (General Commercial);  
 NRC  
 (Neighborhood Retail Commercial)

**Future Land Use:** NAC  
 (Neighborhood Activity Center)

EAST

**Zoning:** R-12  
 (Single-family Residential)

**Future Land Use:** LDR (Low Density Residential)

SOUTH

**Zoning:** City of Kennesaw  
**Future Land Use:** City of Kennesaw

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

## DEPARTMENT COMMENTS- Zoning Division

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### Current zoning district for the property

The R-20 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the R-20 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

The NRC district is established to provide locations for convenience shopping facilities which are on properties delineated within a neighborhood activity center, community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. These convenience shopping facilities should have retail commercial uses that have a neighborhood-oriented market and which supply necessities that usually require frequent purchasing with a minimum of consumer travel. Areas zoned for the NRC district should be located at or near an intersection within the center of a neighborhood activity center as opposed to the edge of a neighborhood activity center. The NRC district may also be used to provide step-down nodal zoning away from more intensive commercial uses within a community activity center or a regional activity center. The scope at which properties are developed within the NRC district should reflect their relatively small neighborhood service area. Additionally, properties developed within the NRC district should be architecturally compatible with other nonresidential uses permitted within a neighborhood activity center as defined by the comprehensive plan and the neighborhood residences they serve.

The GC district is established to provide locations for retail commercial and service uses which are oriented toward automotive businesses, are land intensive with a need for major road access and visibility, are generally not listed as a permitted uses within the NRC (neighborhood retail commercial) and CRC (community retail commercial) districts or may have existing stipulations and conditions that limit certain intensive uses and are located in areas delineated within a community activity center and regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Any existing GC district, developed or undeveloped, located within an area delineated within an industrial-compatible area or industrial area as shown on the comprehensive plan, shall be deemed to be a grandfathered, nonconforming use after January 1, 1991, and subject to those provisions contained in this chapter.

**Requested zoning district for the property**

The NRC district is established to provide locations for convenience shopping facilities which are on properties delineated within a neighborhood activity center, community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. These convenience shopping facilities should have retail commercial uses that have a neighborhood-oriented market and which supply necessities that usually require frequent purchasing with a minimum of consumer travel. Areas zoned for the NRC district should be located at or near an intersection within the center of a neighborhood activity center as opposed to the edge of a neighborhood activity center. The NRC district may also be used to provide step-down nodal zoning away from more intensive commercial uses within a community activity center or a regional activity center. The scope at which properties are developed within the NRC district should reflect their relatively small neighborhood service area. Additionally, properties developed within the NRC district should be architecturally compatible with other nonresidential uses permitted within a neighborhood activity center as defined by the comprehensive plan and the neighborhood residences they serve.

**Summary of the applicant's proposal**

The applicant is requesting a rezoning of the subject property to the Neighborhood Retail Commercial (NRC) zoning district for the purpose of a convenience market with fuel sales as well as a climate-controlled self-service storage facility by way of companion case Z-77. This Special Land Use Permit is to allow the self-service storage facility. The self-service storage building will be an 82,500 square foot, 3-story building comprised primarily of brick and other cementitious components on all four (4) sides. The hours for the storage operation are proposed to be 8:00 am to 6:00 pm Monday through Saturday and 1:30 pm to 6:00 pm on Sunday.

**Non-residential criteria**

Proposed # of buildings: 1  
Proposed # of stories: 3- self-storage  
Total sq. footage of development: 82,500  
Floor area ratio: 1.05  
Square footage per acre: 45,580  
Required parking spaces: 13  
Proposed parking spaces: 4  
Acres in floodplain or wetlands: 0  
Impervious surface shown: 67%

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

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

The following variances are demonstrated:

1. Allow the self-storage building to be taller than adjacent structures;
2. Waive the front setback from the required 50 feet to 40 feet;
3. Increase maximum allowable FAR from 0.75 to 1.05; and
4. Reduce the minimum required parking spaces from 13 to 4.

## **DEPARTMENT COMMENTS- Fire Department**

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IFC 510- EMERGENCY RESPONDER RADIO COVERAGE. New buildings are required to provide radio coverage for emergency responders per the International Fire Code. Testing is required by a third party and when deemed necessary amplification systems are required before the building will be issued a certificate of occupancy. This message is to serve as an early notification to owners and developers for budgeting purposes. Storage building only

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 more than 150 feet shall be provided with a turn-around (IFC Chapter-5, 120-3-3 Rules and Regulations, CCDS Section-401 & 402). Refer to APPENDIX-D for dimensional criteria for turn-arounds in commercial developments.

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)

## **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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No comment.

## **DEPARTMENT COMMENTS- Stormwater Management**

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1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Tributary to Clark Creek
4. Wetlands: No
5. Streambank buffer zone: No
6. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system.
7. Minimize the effect of concentrated stormwater discharges onto adjacent properties.
8. Developer must secure drainage easement(s) to receive concentrated discharges where none naturally exist.
9. Stormwater discharges through an established residential neighborhood downstream.
10. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system. A storage routing will be required for the existing detention pond located just downstream in the Waterstone Subdivision to verify no adverse impacts.
11. Special site conditions and/or additional comments:
  - Fueling centers are considered water quality “hot-spots” and require additional best management practices to prevent contamination of stormwater runoff. An oil/water separator will be required to pre-treat runoff from the fueling bay area prior to discharge into the detention system.



**DEPARTMENT COMMENTS- Planning Division**

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Comprehensive Plan Designation:  Consistent  Inconsistent

**House Bill 489 Intergovernmental Agreement Zoning Amendment Notification**

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

Acworth and Kennesaw

Were the cities notified?  Yes  No

N/A

Comments:

**DEPARTMENT COMMENTS- Water and Sewer**

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No comment.

**DEPARTMENT COMMENTS- Transportation**

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**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 Hickory Grove Road, a minimum of 50' from the roadway centerline.
2. 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 east side of Baker Road, a minimum of 50' from the roadway centerline.
3. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
4. Recommend a deceleration lane at the entrance on Baker Road.
5. Recommend a large turn radius at the entrance on Hickory Grove Road.

**DEPARTMENT COMMENTS- Transportation (Continued)**

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6. Recommend the entrance on Hickory Grove Road align with the Hickory Plaza entrance with a restriction on left turns in. Recommend a concrete median and signage at the entrance to restrict lefts in. Recommend any other driveway location on Hickory Grove Road be restricted to right-in/right-out.
7. Recommend the entrance on Baker Road be a minimum of 250' from the signalized intersection for full-movement access.
8. Recommend removing and closing driveway aprons along road frontages that development renders unnecessary.
9. Recommend replacing disturbed curb, gutter, and sidewalk along the road frontages.
10. Recommend applicant verify that minimum intersection sight distance is available for Hickory Grove Road access and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 440'.

STAFF ANALYSIS

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There are fifteen criteria that must be considered for a Special Land Use Permit. The criteria are below in bold, with the staff analysis written not 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.**

It is Staff's opinion that the applicant's proposal will not have an adverse effect on the usability of adjacent or nearby properties. The proposed use is a low traffic-generating use and can provide the full Code-required buffering where adjacent to nearby residential properties.

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

It is Staff's opinion that the applicant's proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The requested use poses less risk to the neighborhood, relative to traffic and noise, than other potential retail or commercial uses.

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

The use should not be a nuisance as defined by state law.

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

The quiet enjoyment of surrounding properties will not be adversely affected due to the accommodation of the full Code-required landscape buffering

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

The use should not adversely affect surrounding property values.

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

There are adequate provisions for parking and traffic considerations. The proposed plan will meet the minimum number of required parking spaces.

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

The applicant's site is appropriate for this use. The property is currently a mix of three (3) different zoning categories located at the intersection of two major roadways. This application and companion case Z-77 will allow redevelopment of the property with adequate protective stipulations.

STAFF ANALYSIS (continued)

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- (8) Whether or not special or unique conditions overcome the board of commissioners' general presumption that residential neighborhoods should not allow noncompatible business uses.**

There are no special or unique conditions which would prohibit the proposed use in this area. The site is situated in an area with established commercial and industrial uses along Baker and Hickory Grove Roads.

- (9) Whether or not adequate provisions are made regarding hours of operation.**

There are adequate restrictions on hours of operation. The applicant has proposed the self-storage hours to be 8:00 am to 6:00 pm Monday through Saturday and 1:30 pm to 6:00 pm on Sunday.

- (10) Whether or not adequate controls and limits are placed on commercial and business deliveries.**

Deliveries should be limited to normal office hours only.

- (11) Whether or not adequate landscape plans are incorporated to ensure appropriate transition.**

Landscaping, as required by Code, will be enforced. All buffering and frontage as well as parking area landscaping as required and determined at Plan Review, will require final approval by the District Commissioner.

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

The use should 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.**

It is Staff's opinion that the applicant's proposal meets the minimum standards that shall apply to freestanding, climate-controlled self-service storage facilities. The only demonstrated variance is that the building be allowed to stand at three stories whereas neighboring properties, all residential, are fewer.

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

It is Staff's opinion that the applicant has provided sufficient information to meet the minimum standards that shall apply to freestanding climate-controlled self-service storage facilities.

STAFF ANALYSIS (continued)

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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 has provided sufficient information that demonstrates the proposal's compliance with all applicable requirements.

**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.**





**STATEMENT OF INTENT**

**OF**

**ACWORTH BAKER GROVE LLC**

**Special Land Use Permit Application  
for an 3.44± Acre Tract of Land located in  
Land Lots 25 & 26, 20<sup>th</sup> District, 2<sup>nd</sup> Section,  
Cobb County, Georgia**

**Submitted for the Applicant by:**

**Garvis L. Sams, Jr.  
Sams, Larkin, Huff & Balli, LLP  
Suite 100  
376 Powder Springs Street  
Marietta, GA 30064  
(770) 422-7016  
[gsams@slhb-law.com](mailto:gsams@slhb-law.com)**

## I. INTRODUCTION

This Application seeks both a Rezoning and a Special Land Use Permit (“SLUP”) to allow the construction and development of a Climate Controlled Self-Service Storage Facility (“CCSSSF”) and ancillary Office/Retail specifically pertaining to the CCSSSF. The property at issue is situated on a 3.44 acre tract of land which is located on the north side of Hickory Grove Road and the eastern side of Baker Road. The subject property is presently zoned with the split zoning classifications of GC, NRC & R-20, a preponderance of which is undeveloped. The County’s Future Land Use Map (“FLUM”) designates the subject property as being located within the confines of a Neighborhood Activity Center (“NAC”). This portion of Acworth Baker Grove LLC’s property shall be developed for a CCSSSF state-of-the art building which will support and provide storage services for the concentrated residential uses within this sub-area of Unincorporated Cobb County.

## II. CRITERIA TO BE APPLIED TO SPECIAL LAND USE PERMITS

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

The subject property is bordered by properties zoned and used for commercial, industrial and residential purposes. The area in which the proposed development will be located is specifically designed to accommodate the proposed uses and any traffic generated thereby. However, the proposed CCSSSF will produce little if any AM/PM peak hour traffic with the operations of same being totally contained within the building. Therefore, the proposal will have no adverse impact upon neighborhoods or adjacent properties.

**B. Whether or not the use is otherwise compatible with the neighborhood.**

The developments adjacent to the subject property are zoned commercially, industrially and residentially and consist of uses found within and on the periphery of the existing NAC under the County's Future Land Use Map. Given these facts and the reality that this area already consists of a preponderance of commercial, industrial and residential uses, an extraordinary amount of "mass" is available and compatible with the target of the Applicant.

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

The proposed use will not result in a nuisance, either public or private, as that term is defined under Georgia law. In fact, the proposed construction of a CCSSSF building in this location has direct contiguity to Hickory Grove Road, and is adjacent to Baker Road, both major Arterials, respectively.

**D. Whether or not the quiet enjoyment of surrounding property will be adversely affected.**

The adjacent contiguous properties primarily consist of commercial, industrial and residential developments which generate more traffic and are more intense particularly in AM/PM peak hours than the CCSSSF proposed by the Applicant. Further, the proposed use is located with direct adjacency to Baker Road and which has direct contiguity to Hickory Grove Road.

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

The surrounding properties consist primarily of commercial, industrial and residentially-oriented properties. The values of surrounding properties will not be adversely affected and will, in fact, enjoy an increase in market value as a result of the use proposed.

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

The proposal will meet the needs of the traffic generated both by users and staff of the CCSSSF. The Neighborhood Activity Center area in which the subject property is located is specifically designed for neighborhood oriented type uses which will not generate any inordinate amount of traffic, with the CCSSSF proposal generating significantly less traffic than most other non-residential uses in general and specifically less in AM/PM peak hours.

**G. Whether or not the site or intensity of the use is appropriate.**

The overall mixed-use development of which the CCSSSF is a part consists of an assemblage of 3.44 acres of land. Specific to the CCSSSF, which consists of 1.83 acres, it is more than adequate to accommodate the CCSSSF and is supported by the huge number of “rooftops” within this sub-area of the County.

**H. Whether or not special or unique conditions overcome the Board of Commissioners’ general presumption that residential neighborhoods not allow non-compatible businesses.**

The proposed uses for the overall mixed-use development are compatible as well as the specific CCSSSF use with surrounding and adjacent properties. The proposed CCSSSF will have little, if any, effect upon the residential use or of nearby properties in view of the fact the proposed use is compatible and complementary in nature.

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

The hours of operation shall be from 8:00 a.m. until 6:00 p.m. Monday-Saturday and from 1:30 p.m. until 6:00 p.m. on Sundays.

**J. Whether or not adequate controls and limits are placed on commercial and business deliveries.**

Deliveries to the subject property will be commensurate in number and type to existing deliveries or visits to other CCSSSF facilities within NACs in other parts of Cobb County.

**K. Whether or not adequate landscape plans are incorporated to ensure an appropriate transition.**

The Applicant will be submitting a landscape plan during the Plan Review Process subject to review and approval by the County's Arborist and the Community Development Department, with final review and approval by the District Commissioner.

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

The surrounding "neighborhood" consists of commercial, industrial and residential-type uses, all of which are compatible to and provide extraordinary "mass" for the proposed CCSSSF.

**M. Whether the Application complies with any applicable specific requirements set forth in this chapter for a Special Land Use Permit for particular types of uses.**

This Application meets all of the requirements for a Special Land Use Permit and all required information has been supplied within the SLUP Application and the Rezoning Application packages, respectfully.



**N. Whether the Applicant has provided sufficient information to allow a full consideration of all relevant factors.**

The Applicant has addressed all issues raised by law. The Applicant also remains available to respond to additional questions or issues raised by the County's professional staff, Members of the Planning Commission or Members of the Board of Commissioners.

**III. PRESERVATION OF CONSTITUTIONAL RIGHTS**

The Zoning Ordinance of Cobb County, Georgia lacks adequate standards for the Board of County Commissioners to exercise its power to issue Special Land Use Permits. In essence, the standards are not sufficient to contain the discretion of the Board of Commissioners and to provide the Courts with a reasonable basis for judicial review. Because the stated standards (individually and collectively) are too vague and uncertain to provide reasonable guidance to the Board of Commissioners, the Zoning Ordinance violates the Fifth and Fourteenth Amendments of the Constitution of the United States in matters of zoning. The Zoning Resolution also violates Article I, Section III, Paragraph 1; and Article 1, Paragraphs 1 and 2 of the Constitution of the State of Georgia, 1983.

The Board of Commissioners is granted the power to zone pursuant to Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia, 1983. It is a power which must be fairly exercised. Based on this element of fairness, the Zoning Ordinance of Cobb County, Georgia violates Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia, 1983.

The Zoning Ordinances presently in effect is contrary to the best interests of the health and welfare of the citizens of Cobb County, Georgia, and constitutes an arbitrary and capricious act. As a result, the Zoning Ordinance is in violation of Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia; and Article I, Section II, Paragraph 3 of the Constitution of

the State of Georgia, 1983. Furthermore, the Zoning Ordinance violates the due process clause and equal protection clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

In addition, the Zoning Ordinance is unconstitutional in that it renders the subject property unusable and destroys its marketability. Therefore, the Zoning Ordinance constitutes a taking of the Applicant's property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth Amendments to the United States Constitution and in violation of Article I, Section I, Paragraph 1 and Article I, Section III, Paragraph 1(a) of the Constitution of Georgia.

The failure to approve the requested Special Land Use Permit for the subject property would constitute the taking of property without due process and without the payment of adequate compensation in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia, 1983; and the Fifth and Fourteenth Amendments of the Constitution of the United States.

Failure to grant the Application for the Special Land Use Permit would be contrary to the best interests of the health and welfare of the citizens of Cobb County, Georgia, and would further constitute an arbitrary and capricious act. As such, failure to grant the application would constitute a violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia, 1983; and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia; and Article I, Section II, Paragraph 3 of the Constitution of the State of Georgia, 1983, together with the due process clause and equal protection clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

Any limitation on the time for presentation of the issues before the Board of Commissioners who have the power to zone and rezone is a violation of the guarantees of free speech under Article I, Section I, Paragraph 5 of the Constitution of the State of Georgia, 1983

and the First Amendment of the Constitution of the United States of America. Further, said limitations are in violation of the right to petition and assemble, in violation of Article I, Section I, Paragraph IX of the Constitution of the State of Georgia, 1983 and the First Amendment of the Constitution of the United States of America as well as the due process clauses of the Constitution of Georgia, 1983 and the Constitution of the United States of America.

The Zoning Ordinance of Cobb County, Georgia is unlawful, null and void in that its adoption and map adoption/maintenance did not comply with the requirements of its predecessor ordinance and/or the Zoning Procedures Law, O.C.G.A. § 36-66-1, et seq.

**IV. CONCLUSION**

Based upon the foregoing reasons, the Applicant respectfully requests that the Special Land Use Permit at issue be approved with the Applicant soliciting any comments from staff or other officials of Cobb County so that such recommendations or input may be incorporated as conditions of approval of the Application.

Respectfully submitted, this the 6 day of Sept., 2018.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 

GARVIS L. SAMS, JR.  
Attorney for Applicant  
Georgia Bar No. 623950

376 Powder Springs Street, Suite 100  
Marietta, GA 30064  
(770) 422-7016

**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 \_\_\_\_\_