

## DECEMBER 20, 2022 ZONING HEARING

### “OTHER BUSINESS”

#### COMMISSION DISTRICT 3

---

#### ITEM OB-56-2022

To consider amending the site plan for Stein Investment Group regarding rezoning application Z-223 (Evelyn J. Gordy-Rankin) of 1988 and rezoning application Z-95 (Evelyn J. Gordy-Rankin) of 1990, for property located at the northwest intersection of Shallowford Road and Gordy Parkway in Land Lots 335 and 386 of the 16<sup>th</sup> District (Gordy Parkway). *(Continued by Staff from the October 18, 2022 Hearing; Continued by staff from the November 15, 2022 hearing)*

#### BACKGROUND

The subject property was rezoned in 1988 to General Commercial as part of a larger mixed-use rezoning case. It was developed as a movie theater and has been used as such for the past 30 years. Last year, the applicant was approved to remodel the movie theater as a climate-controlled self-service storage facility. This 1.1-acre property was left out of the 2021 zoning action. The applicant would like to amend the site plan to allow a restaurant on the property. The site plan is attached which meets zoning criteria for the proposal, and renderings of the building are also attached. The applicant has been working with the Architectural Control Committee that has overseen this area of the county since the 1988 rezoning action. If the site plan amendment is approved, all previous stipulations would remain in effect.

#### STAFF COMMENTS AND RECOMENDATIONS

**Water and Sewer:** Independent connections to public water and public sewer required if this will be a subdivided parcel.

**Stormwater Management:** No objection to the current request. The redevelopment will be subject to the current Cobb County Codes pertaining to stormwater management. This site may be a part of a master stormwater detention facility. Therefore, this site may have some impervious coverage restrictions. Additionally, this site will need to provide additional stormwater requirements pertaining to the current Cobb County Code for Runoff Reduction and/or Water Quality.

Site Plan review: No comments.

**Cobb DOT:** See attached.

**Fire Department:** See attached.

#### RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed site plan amendment.

#### ATTACHMENTS

Other Business application and stipulations.

## **Cobb DOT Recommendations OB-56**

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 west side of Gordy Parkway, a minimum of 40' from the roadway centerline.
2. Recommend the access on Gordy Parkway be restricted to right-in/left-out/right-out access. This recommendation is due to the proximity of the signalized intersection of Shallowford Road and Gordy Parkway.
3. Recommend replacing disturbed curb, gutter, and sidewalk along the Gordy Parkway and Shallowford Road frontages.
4. As necessitated by this development, recommend Shallowford Road and Gordy Parkway access points include taper and/or improved curve radius. Recommend location and design be determined during plan review, subject to Cobb County DOT approval.
5. Recommend extending driveway uninterrupted access to a minimum of 50' from the edge of right-of-way per Development Standard 402.08.
6. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

**FIRE COMMENTS:**

The owner/tenant maintain the sole responsibility for the design and correcting all errors, omissions, problems, and code (if any) exposed during construction AFTER authorization by Cobb County

ACCESS:

FIRE HYDRANTS:

Hydrant location within 500 feet of the most remote portion of the structure.\* (Additional hydrant may need to be installed.)

Fire Flow Test from closest existing hydrant shall be provided meeting the minimum.\* (Required Flow: 1,500 gpm @ 20 psi)

**D103.1 Access road width with a hydrant.**

Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders (see Figure D103.1 in Appendix D).

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.

FIRE ENGINE ACCESS: The fire department must be able to access the long side of the building.

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 2012 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)

C/O: Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

The above is not an all-inclusive list, all applicable fire and life safety provisions must be met.

# Application for "Other Business"

QB-56-2022

## Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: 10-18-2022

**Applicant:** Stein Investment Group

Phone #: (678) 904-9611

(applicant's name printed)

**Address:** 5607 Glenridge Drive, NE, Ste 200, Atlanta, GA 30342

E-Mail: daniel@steininvest.com

Garvis L. Sams, Jr.

SAMS, LARKIN & HUFF, LLP

Address: Suite 100, 376 Powder Springs Street, Marietta, GA 30064

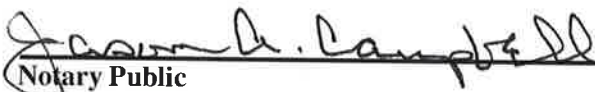
(representative's name, printed)

  
(representative's signature)

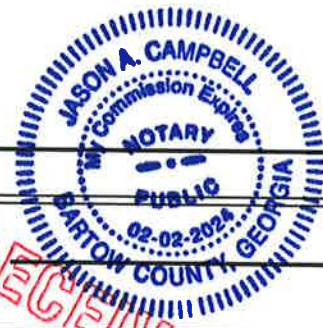
Phone #: 770-422-7016

E-Mail: gsams@samslarkinhuff.com

Signed, sealed and delivered in presence of:

  
Notary Public

My commission expires: \_\_\_\_\_



**Titleholder(s) :** SEE ATTACHED SIGNATURE PAGE

Phone #: \_\_\_\_\_

(property owner's name printed)

**Address:** \_\_\_\_\_

E-Mail: \_\_\_\_\_

(Property owner's signature)



Signed, sealed and delivered in presence of:

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

**Commission District:** 3

**Zoning Case:** Z-223 of 1988 and Z-95 of 1990

**Size of property in acres:** 1.147 ac

**Original Date of Hearing:** 11-15-88 and 12-18-90

**Location:** Northwest intersection of Shallowford Road and Gordy Parkway

(street address, if applicable; nearest intersection, etc.)

**Land Lot(s):** 335 and 386

**District(s):** 16

**State specifically the need or reason(s) for Other Business:** \_\_\_\_\_

Site Plan Amendment/Approval to allow the redevelopment of the existing parking lot for a fast-casual restaurant.

(List or attach additional information if needed)

ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"

Application No.: OB- 56

BOC Hearing Date: 10-18-2022

Applicant: Stein Investment Group  
Titleholder: SIG GORDY COMMERCIAL, LLC  
Parcel #: 16038600070



The undersigned(s) below, or as attached, are the owners of the property considered in this application.

SIG GORDY COMMERCIAL, LLC

By: \_\_\_\_\_

Signature

**Jeffrey L. Stein**

Title: \_\_\_\_\_

**Manager**

Date: \_\_\_\_\_

9-13-2022

Address: \_\_\_\_\_

5207 Glenridge Dr. Sk 200  
Atlanta, GA 30342

Telephone No.: \_\_\_\_\_

404-708-7921

Signature of Notary Public

Date

9/13/2022

(Notary Seal)







OB-58-2022



proposed  
elevations  
1/5

RECEIVED  
SEP 13 2022  
COBB CO COMM DEV AGENCY  
ZONING DIVISION



PROJECT OHANA MARIETTA - GROUND VIEW FROM THE NORTHWEST

09.07.22

RECEIVED  
SEP 13 2022  
COBECO CUMMINS DESIGN AGENCY  
ZUNNING DESIGN



2/5

PROJECT OHANA MARIETTA - GROUND LEVEL VIEW FROM THE NORTHEAST

NTS



**RECEIVED**  
SEP 13 2022  
COBECO COMM. DEV. AGENCY  
ZONING DIVISION



3/5

PROJECT OHANA MARIETTA - GROUND LEVEL VIEW FROM THE SOUTHEAST

NTS

09.07.22



**RECEIVED**  
SEP 13 2022  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION



4/5

1 PROJECT OHANA MARIETTA - AERIAL OBLIQUE FROM THE SOUTHEAST

NTS

09.07.22



RECEIVED  
SEP 13 2022  
COURTESY OF THE  
COURTESY OF THE  
COURTESY OF THE



5/5



**RECEIVED**  
SEP 13 2022  
COBB COUNTY COMMUNITY DEVELOPMENT AGENCY  
ZONING DIVISION

# Application for Rezoning COBB COUNTY

(type or print clearly)

Application No. 223  
Hearing Date 11-15-88

Applicant Evelyn J. Gordy-Rankin Business Phone None Home Phone 261-7477  
Larry B. Thompson Address 4387 Papermill Rd., Marietta, Ga. 30067

(representative's name, printed)

[Signature] Business Phone 971-5081 Home Phone 955-9611

(representative's signature)

Titleholder Evelyn J. Gordy-Rankin Business Phone 955-9611  
Larry B. Thompson Home Phone 261-7477

Signature [Signature] Address \_\_\_\_\_  
(attach additional signatures, if needed)

Zoning Request From R-20 - NS & OI (present zoning) To R-15, PUD, NS GC, & OI (proposed zoning)

For the Purpose of Shopping Center, Office, Residence Size of Tract 407 acre(s)  
(subdivision, restaurant, warehouse, apts., etc.)

Location Intersection of Sandy Plains & Shallowford Roads

(street address, if applicable, nearest intersection, etc.)  
Land Lot(s) 314, 333, 335, 336, 337, 384, 385, 386, 387, 406, District 16th  
407, 408, 409 and 334

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are no  there are  such assets. If any, they are as follows: Historical marker located within right-of-way of Sandy Plains Rd. at Shallowford-Cemetery located N.E. corner of L.L. 387 just south of Shallowford Rd.

[Signature]  
Applicant's Signature

FOR OFFICIAL USE ONLY

Recommendation of Planning Commission Planning Commission recommended approval of the project subject to the following stipulations: 1) subject to the agreed on stipulations both submitted and recommended by the Planning Dept.; 2) be reverted to CI with same stipulations as office if the Hospital Certificate of Need is not granted; 3) hold Parcel #9 for further discussion; 4) Architectural Control Committee be established to oversee the project to insure it's compliance with the Conceptual

(SEE NEXT PAGE)

Chairman

Board of Commissioners' Decision \_\_\_\_\_

11/15/88 A motion

was offered by Powell to approve application as stated above adding the following stipulations:

Special consideration to the following items of the DOT report dated November 15, 1988 submitted

(SEE NEXT PAGE)

[Signature] Chairman



COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES

COBB COUNTY PLANNING COMMISSION

Date of Application \_\_\_\_\_ Date of Hearing 11/15/88

Applicant's Name Evelyn J. Gordy-Rankin

Address 4387 Papermill Road, Marietta, GA 30067

Recommendation of Planning Commission (Cont. from Page 1)

Master Plan. Committee to be formed consisting of Staff, Mr. Thompson or his representative and homeowners to address the buffering and all else related to Parcel #9 and this information be brought back to the Board of Commissioners before action is taken on Parcel #9; 5) report submitted by DOT, dated November 15, 1988, to be made a part of the stipulations; 6) subject to letter of agreement with Whitfield Subdivision; 7) subject to Stipulations and Conditions of Zoning submitted by Larry Thompson at November 15, 1988 hearing. Motion by Wise, second by Christian carried 4-0.

*Philip L. Secrest*

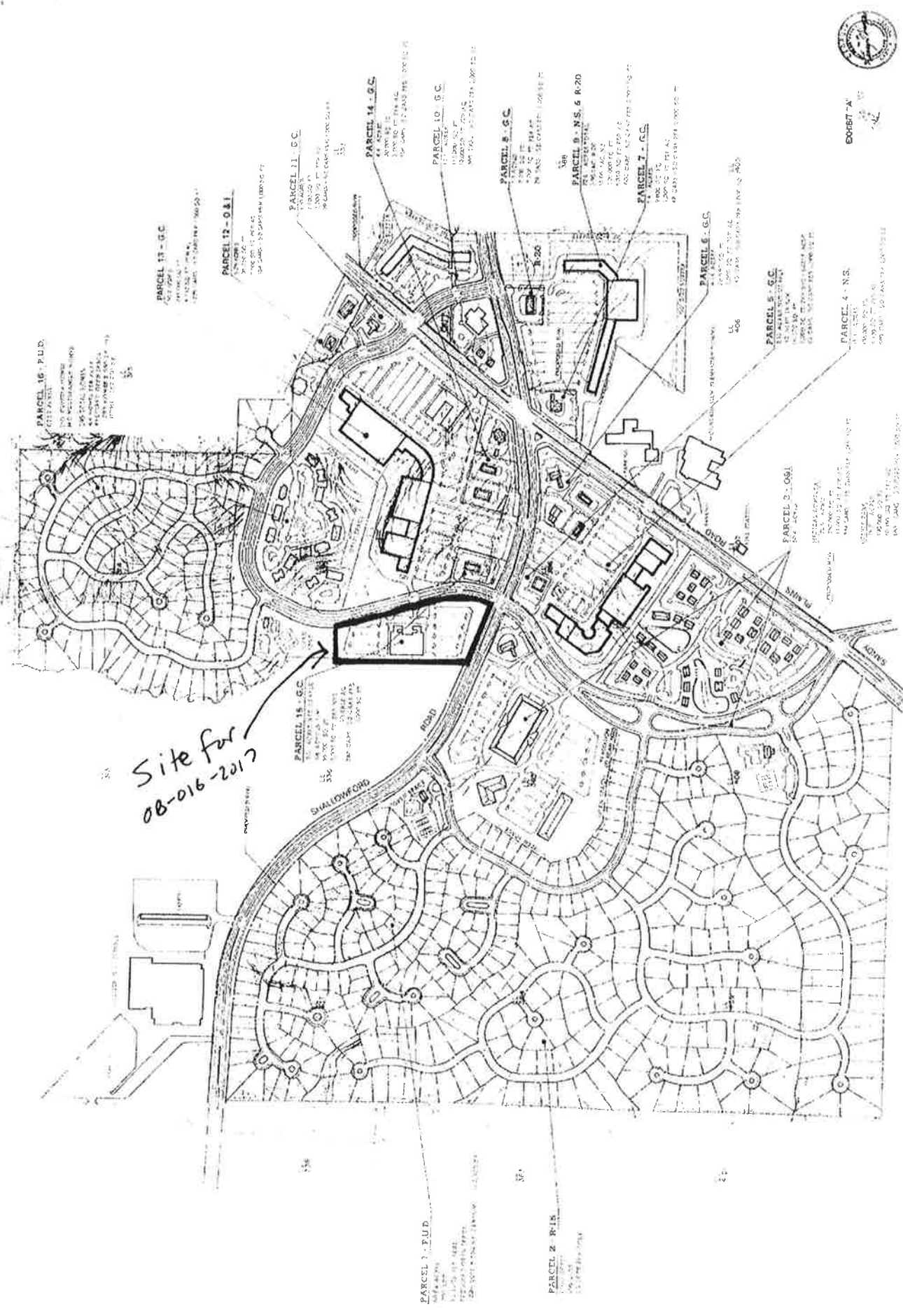
Chairman

Final Decision of Board of Commissioners (Cont. from Page 1)

at the hearing: 1) Item #13, page #4, of DOT comments; 2) Item #10, page #3, of DOT comments on park entrance 3) that an interior access from Sandy Plains Ball Park to Carl Harrison Park within Parcel #3, second by E. Smith, vote 2-2-1, Burton and H. Smith opposed, Paschal abstained. No action taken due to the lack of three affirmative votes. Board of Commissioners held application until next regularly scheduled zoning hearing. Motion by H. Smith, second by Burton, carried 5-0. (12/20/88) A motion was made by Burton to reject the application, died due to lack of second. Board of Commissioners approved application subject to the following stipulations: 1) Staff recommendations as follows: Revised site plan on file and marked as Exhibit "A" and subject to the sight elevation rendering marked as Exhibit "B". If Parcel 3 is not developed as a medical complex, then development would be as office park and follow same guidelines as the remainder of Parcel 3. Staff Recommendations dated November 15, 1988 within the December 20, 1988 analysis; 2) DOT recommendations dated December 13, 1988; 3) Stipulations and Conditions of Zoning submitted by the applicant subject to revisions presented verbally after review by the County Attorney at the hearing and dated Dec. 20, 1988 and marked as Exhibit "C"; 4) memo on Future Land Use submitted at hearing Dec. 20, 1988; 5) recommended transportation plan presented at original hearing of November 15, 1988. Before the vote Mark Danneman, Zoning Administrator, announced that although Chairman Secrist was not officially in office at the original public hearing of this petition, Chairman Secrist was present at said hearing and has visited the site. Mr. Danneman then asked the audience if there was any objection to Chairman Secrist participating in the voting of this case. No objections were stated. Motion by Powell, second by Paschal, carried 4-0, Burton opposed.

*Philip L. Secrest*

Chairman



Site for  
08-016-2017



**REECE, HOOPES & FINCHER**  
LAND PLANNERS - LANDSCAPE ARCHITECTS

**THOMPSON ENTERPRISES**

**PRELIMINARY PLAN**  
**SANDY PLAINS & SHALLOWFORD ROAD PROPERTY**

SCALE: 1" = 100' (APPROX.)

MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
JULY 20, 2021  
PAGE 10

CONSENT AGENDA (CONT.)

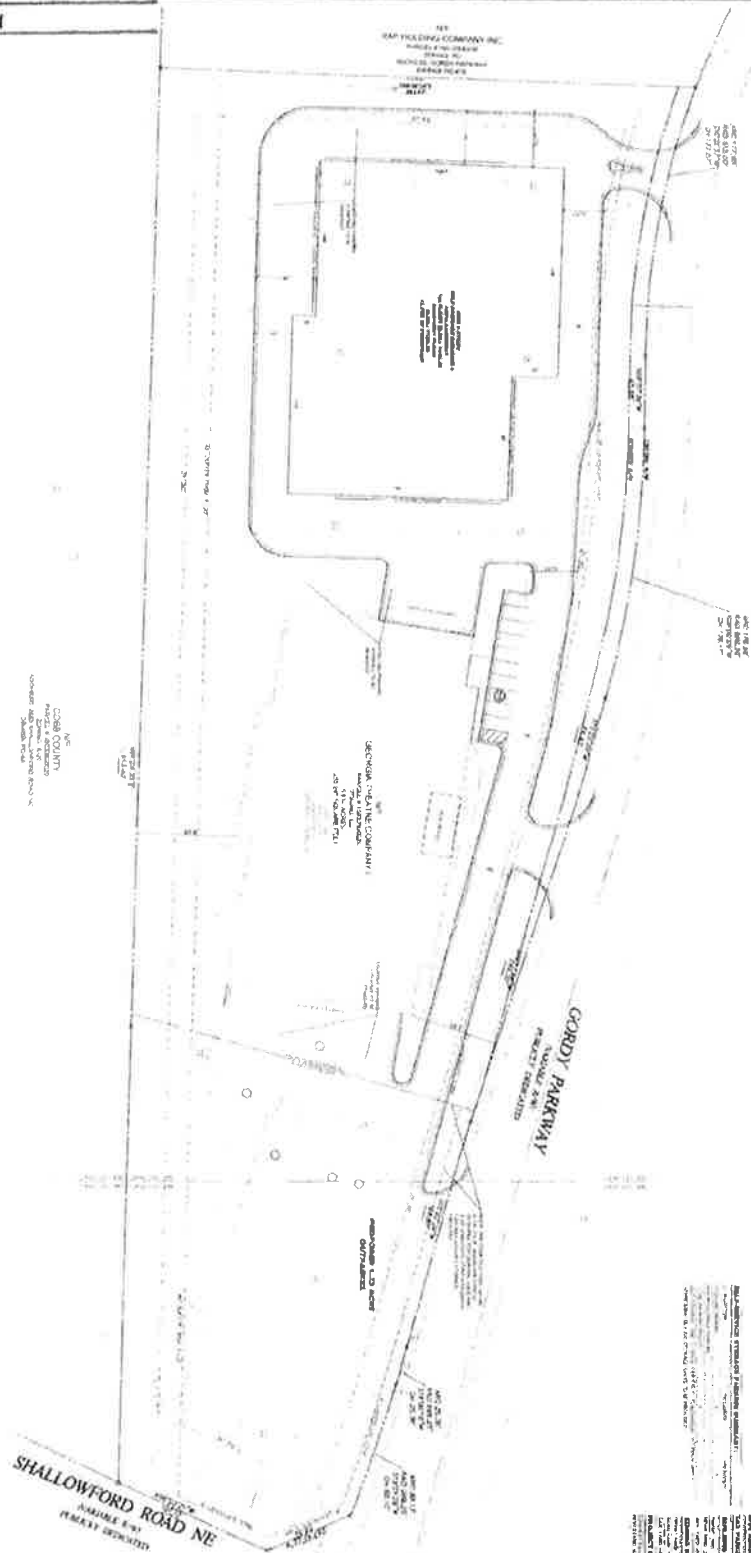
OTHER BUSINESS

**O.B. 28** To consider amending the site plan for Stein Investment Group regarding rezoning application Z-223 (Evelyn J. Gordy-Rankin) of 1988 and rezoning application Z-95 (Evelyn J. Gordy-Rankin) of 1990, for property located at the northwest intersection of Shallowford Road and Gordy Parkway in land lots 335 and 386 of the 16<sup>th</sup> district (2925 Gordy Parkway). *(Continued by Staff until the July 20, 2021, Board of Commissioners' Zoning hearing).*

To approve O.B. 28, subject to:

1. Letter of agreeable conditions from Garvis L. Sams, Jr. dated June 22, 2021 (attached and made a part of these minutes), with the following changes:
  - A. Item No. 4 – modify to reflect the following: *“The hours of operation shall be from 9:00 a.m. until 6:00 p.m. Monday through Saturday and from 1:00 p.m. until 6:00 p.m. on Sundays. Entry to the building shall be via keycard and punch code pad. All activity within strategic locations throughout the facility shall be monitored by strategically positioned video security cameras.”*
2. Letter of agreeable conditions from Garvis L. Sams, Jr. dated July 14, 2021 (attached and made a part of these minutes), with the following changes:
  - A. Item No. 6 (page 3) – revise to read: *“All construction vehicles and trucks shall exit the property from Gordy Parkway via right-turn only at the entrance closest to Shallowford Road and in accordance with the directives from Cobb DOT. All construction vehicles and trucks to enter the property from the existing Shallowford Road entrance only.”*
  - B. Item No. 6, subset a (page 5) – add to the end: *“Final approval of landscape to be approved by the County Arborist and District Commissioner with review from the Landscape Committee.”*
  - C. Add Item No. 17 – to read: *“Outparcel to come back to the Board of Commissioners (BOC) as an Other Business item for approval of use and site plan with no storage of vehicles, trailers, RV's, cars, jet skis, or boats on existing outparcel.”*
3. Site plan and elevations contained in the Other Business packet (attached and made a part of these minutes), with the District Commissioner approving the final plans
4. Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)
5. Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)
6. All other stipulations and conditions to remain in effect

Meeting Date 7-20-21



**NOTICE TO CONTRACTORS**  
 The undersigned hereby certifies that the above information is true and correct to the best of his knowledge and belief, and that he is not aware of any facts or circumstances which would render the same false or misleading. He further certifies that he is not a party to any pending or threatened litigation involving the above information.

**NOTICE TO CONTRACTORS**  
 The undersigned hereby certifies that the above information is true and correct to the best of his knowledge and belief, and that he is not aware of any facts or circumstances which would render the same false or misleading. He further certifies that he is not a party to any pending or threatened litigation involving the above information.

**STEIN INVESTMENT GROUP**  
 4511 Park Court, Suite 300  
 Marietta, Georgia 30067  
 Phone: (770) 428-7333  
 Fax: (770) 428-7333  
 Email: stein@steininvestmentgroup.com  
 Website: www.steininvestmentgroup.com

**STEIN INVESTMENT GROUP**  
 4511 Park Court, Suite 300  
 Marietta, Georgia 30067  
 Phone: (770) 428-7333  
 Fax: (770) 428-7333  
 Email: stein@steininvestmentgroup.com  
 Website: www.steininvestmentgroup.com



**2925 GORDY PARKWAY**



**JULY 20, 2021 ZONING HEARING**  
**"OTHER BUSINESS"**  
**COMMISSION DISTRICT 3**

Min. Bk. 92 Petition No. O.B.28  
Doc. Type Cobb DOT comments  
and recommendations  
Meeting Date 7-20-21

**ITEM OB-28-2021**

To consider amending the site plan for Stein Investment Group regarding rezoning application Z-223 (Evelyn J. Gordy-Rankin) of 1988 and rezoning application Z-95 (Evelyn J. Gordy-Rankin) of 1990, for property located at the northwest intersection of Shallowford Road and Gordy Parkway in Land Lots 335 and 386 of the 16<sup>th</sup> District (2925 Gordy Parkway). *(Continued by Staff from the June 15, 2021 hearing)*

**BACKGROUND**

The subject property was rezoned in 1988 to General Commercial as part of a larger mixed-use rezoning case. It was developed as a movie theater and has been used as such for the past 30 years. The applicant would like to remodel the movie theater as a climate-controlled self-service storage facility. The applicant would also build a new two-story storage building next the existing building. The proposed building would be approximately 67,000 square feet and would match the exterior architecture of the former movie theater. The applicant is showing a 1.33 acre out parcel at the corner, and the site plan submitted meets all zoning criteria for the GC zoning district. The applicant has been working with the Architectural Control Committee that has overseen this area of the county since the 1988 rezoning action. If the site plan amendment is approved, all previous stipulations would remain in effect.

**STAFF COMMENTS AND RECOMENDATIONS**

**Cobb DOT:** 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 west side of Gordy Parkway, a minimum of 40' from the roadway centerline. 2) Recommend the northernmost driveway on Gordy Parkway be restricted to right-in/right-out/left-in with a raised median (R-cut design) or be restricted to right-out/left-in movements. Recommend design be determined during plan review, subject to Cobb County DOT approval. 3) Recommend realigning driveway on Shallowford Road to improve existing curvature. Recommend design be determined during plan review, subject to Cobb County DOT approval. 4) Recommend the southernmost driveway on Gordy Parkway be restricted to right-in/right-out access. Recommend design be determined during plan review, subject to Cobb County DOT approval. 5). Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

(Continued on the next page)

**JULY 20, 2021 ZONING HEARING  
"OTHER BUSINESS"  
COMMISSION DISTRICT 3  
PAGE 2**

Min. Bk. 92 Petition No. O.B.28  
Doc. Type Fire Department  
comments and recommendations  
Meeting Date 7-20-21

---

**ITEM OB-28-2021 (Continued)**

**Fire Department:** See attached.

**RECOMMENDATION**

The Board of Commissioners conduct a Public Hearing and consider the proposed site plan amendment.

**ATTACHMENTS**

Other Business application and stipulations.

\*\*\*\*\*

**FIRE COMMENTS:**

Petition No. OB-28  
Meeting Date 7-20-21  
Continued

The owner/tenant maintain the sole responsibility for the design and correcting all errors, omissions, problems, and code (if any) exposed during construction AFTER authorization by Cobb County

Provide emergency access through all gates securing Fire Department access with a minimum 12 foot 0 inch clear width and approved means of operation

[www.knoxbox.com](http://www.knoxbox.com).

**FIRE HYDRANTS:**

Hydrant location within 500 feet of the most remote portion of the structure.\*  
(Additional hydrant may need to be installed.)

Fire Flow Test from closest existing hydrant shall be provided meeting the minimum.\*  
(Required Flow: 1,000 gpm @ 20 psi)

\* An alternative equivalency for the above requirements, subject to the approval by the Cobb County Fire Marshal's Office is one of the following:

- 1.) NFPA 13D sprinkler system.
- 2.) Complete structure (framing and decking materials) treated with a Class A-Fire Retardant spray with a flame spread rating of 25 or less and smoke development of 450 or less.
- 3.) Non-Combustible construction.

(Indicate on the site plan which option will be utilized.)

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.

FIRE ENGINE ACCESS: The fire department must be able to access the long side of the building.

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 2012 Edition).

(Continued on the next page)

\*\*\*\*\*

**FIRE COMMENTS:**

Petition No. OB-28  
Meeting Date 7-20-21  
Continued

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)

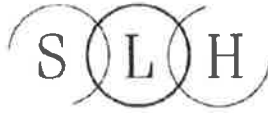
C/O: Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

**Gates**

Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. The gates shall not reduce the operating width of the roadway. Double lane gates shall be a minimum of 20 feet in clear width. Gates shall be of the swinging or sliding type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Cobb County Fire Marshal's Office.

**Josh Davis**  
(770) 528-8161  
[josh.davis@cobbcounty.org](mailto:josh.davis@cobbcounty.org)





Min. Bk. 92 Petition No. SLUP-5 OB.28  
Doc. Type letter

Meeting Date 7-20-21

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP  
SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

770-422-7016  
TELEPHONE  
770-426-6583  
FACSIMILE

June 22, 2021

**(REVISED LETTER OF AGREEABLE STIPULATIONS/CONDITIONS)**

**VIA EMAIL:**

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

Re: Application of Stein Investment Group for the purposes of a Special Land Use Permit ("SLUP") for a Freestanding Climate-Controlled Self-Service Storage Facility ("CCSSSF") - No. SLUP-5 (2021)

Other Business Application (No. OB-28 [2021])

Dear John:

You will recall that this firm has been engaged by and represents Stein Investment Group ("Stein") regarding the above-captioned Applications. In that regard, the SLUP Application will be heard and considered by the Cobb County Planning Commission on July 6, 2021. Both the SLUP and the OB Applications will be heard and considered together for final action by the Cobb County Board of Commissioners ("BOC") on July 20, 2021.

Stein's SLUP Application was filed on April 1, 2021. The Application concerns an approximate 5.81 acre tract of land which is located on the west side of Gordy Parkway, north of Shallowford Road. The property at issue ("Subject Property") is presently zoned in the General Commercial ("GC") zoning classification and is situated within the confines of a Community Activity Center ("CAC") on Cobb County's Future Land Use Map ("FLUM").

The Subject Property is part of a commercially zoned tract which is adjacent to Harrison Park to the west; residentially zoned property to the north (Planned Development ["PD"]); and, is situated across Gordy Parkway from Highlands Plaza. Both the Subject Property's position within the CAC and the current GC zoning are compatible for the Zoning and Future Land Use designations and the proposed free-standing Climate Controlled Self Storage Facility ("CCSSSF") permitted use with the Special Land Use Permit (Cobb County Zoning Ordinance § 134-227[3]).

**VIA EMAIL:**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
June 22, 2021  
Page 2

---

Stein's plan for this proposal is to convert the former movie theater to a CCSSSF and also construct an additional new stand-alone CCSSSF building. The proposal will provide storage needs to residential and commercial properties within the area and the benefits associated with the conversion of the property to the proposed use constitutes a rejuvenation of the property by utilizing the existing vacant building and by constructing a new building on the vacant portion of the Subject Property. Clearly, the proposed CCSSSF is a less intense non-residential use which, when compared to other uses which could be allowed on the property under the GC district, is the third least restrictive zoning classification within the Cobb County Zoning Ordinance.

During the pendency of this Application we have continued to interface with the County's professional staff. Additionally, we have established a meaningful and ongoing dialogue with representatives of the East Cobb Civic Association ("ECCA") and have been in contact with HOA leadership within both Highland Park/Highlands Terrace and North Hampton Subdivisions, respectively. Additionally, this proposal has been fully reviewed, vetted and is anticipated that it will be recommended for approval by the Architectural Control Committee ("ACC") which was set up and formulated as a part of the original Rezoning of the Subject Property.

In that regard, Stein has provided this firm with the authority to submit this revised stipulation letter which embodies Stein's expression of agreement with the following stipulations which shall become conditions and a part of the grant of the requested SLUP and the OB Application and be binding upon the Subject Property thereafter:

1. The revised 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 concerning the property which constitutes the subject matter of the above-mentioned Applications.
2. The architectural style, composition and design of the buildings shall be consistent with the renderings/elevations which were submitted concurrently with the SLUP Application on April 1, 2021 which depict exterior materials of all four sides consisting of brick, EIFS and other cementitious/masonry components. The architectural style of the buildings shall also be in substantial conformity to the additional architectural renderings which were previously submitted and which are being re-submitted with this letter.

**VIA EMAIL:**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
June 22, 2021  
Page 3

The architectural style, composition and design of the buildings as well as photometrics, signage, landscaping, colors and other issues have been presented to and reviewed by the ACC with representations from our ACC contact that the totality of their review will be completed prior to the Application being heard and considered by the Planning Commission on July 6, 2021.

3. The granting of the SLUP for the Subject Property as well as an approval of the OB Application shall be use specific for CCSSSF buildings on that portion of the Subject Property. Additionally, Stein will agree to exclude all other uses permitted under the GC district except for those permitted uses related to the moving and storage business for the CCSSSF portion of the property.

The rental of vehicles, trucks, trailers or equipment, gas stations and other such uses not expressly provided for hereinafter shall be prohibited with respect to the CCSSSF component of the Subject Property.

4. The hours of operation shall be from 9:00 a.m. until 6:00 p.m. Monday through Saturday and from 1:00 p.m. until 6:00 p.m. on Sundays. Entry to the building shall be via keycard and punch code pad. All activity within strategic locations throughout the facility shall be monitored by strategically positioned video security cameras.
5. The utilization of low-intensity, environmental type, down-lighting which shall be subject to review and approval by staff. All exterior lighting shall be shielded and direct illumination shall be confined within the perimeter of the subject property. The lighting and photometric aspects of the subject property shall be in substantial conformity to the illumination components utilized by Stein at the 40+ CCSSSF facilities which Stein has constructed within the Metropolitan Atlanta.
6. The submission of a landscape plan during the Plan Review process subject to final review and approval by the Community Development Agency and the ACC, including the following:
  - a. The formation of a Landscape Oversight Committee consisting of a representative from Highland Park/Highland Terrace and North Hampton, a representative from Stein and a representative from the Community Development Agency. The District Commissioner shall be the final arbiter with respect to the resolution of any landscaping issues which cannot otherwise be resolved.

**VIA EMAIL:**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
June 22, 2021  
Page 4

---

- b. Species of vegetation which will be utilized shall be ecologically compatible with the site and appropriate for the design circumstances, subject to the County Arborist's review and approval. A screening buffer of evergreens shall be maintained (as planted) between the detention pond and the existing curb.
  - c. Subject to water restrictions which may be imposed by the state and/or County, all landscaping for the proposed climate-controlled self-service storage facility shall be professionally designed, perpetually maintained and irrigated. Any dead or irrevocably diseased vegetation shall be replaced as necessary.
  - d. HVAC and all mechanical equipment shall be screened from view of the adjoining properties and public rights-of-way in accordance with the architectural style and composition as aforementioned.
  - e. There shall be no dumpsters located outside of the climate-controlled self-service storage facility buildings.
7. Signage, excepting permitted signage affixed to the building, shall be ground-based, monument style, with finished materials and colors which shall conform to the architectural style and composition as aforementioned. Signage shall comply with the Cobb County Sign Ordinance and Stein agrees that there shall be no electronic or LED signage.<sup>1</sup>
8. Security fencing, in the form of faux wrought iron, and gates for the site shall be in substantial conformity to the security fencing and gates within similarly situated and recently constructed CCSSSFs which have been entitled within Cobb County.
9. There shall be no outside storage, overnight vehicle parking or trailer or boat parking or the positioning of trucks, trailers, recreational vehicles and related or ancillary equipment. Additionally, and as mentioned above, there shall be no gas stations constructed on the CCSSSF property and there shall be no vehicles parked upon the Subject Property for the purposes of advertising

---

<sup>1</sup> Signage shall comply with the Cobb County Sign Ordinance and has been reviewed by the ACC.



**VIA EMAIL:**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
June 22, 2021  
Page 5

---

There shall be no stacking or queuing of construction vehicles, trucks or any mode of transportation parked on Gordy Parkway, Shallowford Road or any adjacent neighborhood streets. All construction worker vehicles and construction trucks shall be parked on the site.

10. Compliance with the following recommendations from the Stormwater Management Division with respect to detention, hydrology and downstream considerations, including the ultimate location and configuration of on-site detention and/or water quality ponds. Additionally, compliance with the following:
  - a. In view of the fact that the project will be considered as a redevelopment which creates, adds or replaces 5,000 sq. ft. of new impervious surface area and/or that involves other land disturbing activity of one acre or more, an updated stormwater management facility may be required to address run-off reduction, water quality and detention.
  - b. Entering into a Stormwater Facility Maintenance and Access Agreement which shall be required during the Plan Review process.
  - c. Since the original detention pond appears to be owned by a different entity and was originally constructed in the 1990s, due to the age of the detention facility, run-off reduction and water quality may not have been included in the original design. In that regard, those components shall be included in the redevelopment of the site unless it ultimately appears that the Master Detention Facility for the entirety of the Mixed-Use Development can accommodate the proposed impervious surface.
11. Compliance with recommendations from the Cobb County Department of Transportation with respect to traffic, transportation and other related infrastructure issues, not necessarily limited to the following, to wit:
  - a. 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: donation of right-of-way on the west side of Gordy Parkway, a minimum of 40 feet from the roadway centerline.
  - b. The northernmost driveway on Gordy Parkway be restricted to right-in/right-out/left-in with a raised median (R-cut design) or be restricted to right-out/left-in movements. Design to be determined during Plan Review, subject to Cobb County DOT approval.

**VIA EMAIL:**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
June 22, 2021  
Page 6

---

- c. Realigning the driveway on Shallowford Road to improve existing curvature. Design to be determined during Plan Review, subject to Cobb County DOT approval.
  - d. Less and except the positioning of the out parcel's respective points of ingress and egress which will be determined at a later date upon that property coming back to the board of commissioners for review and consideration as provided herein.
12. Compliance with recommendations from the Cobb County Water System with respect to the accessibility and availability of sewer and water and issues attendant thereto. The Subject Property is already a "customer" of the Cobb County Water System; therefore, no further comments have been issued by the Water System with respect to this proposal.
  13. Subject to recommendations from the Cobb County Fire Marshal's Office with respect to Fire Prevention and Life Safety including, not necessarily limited to the following, to wit:
    - a. Compliance with IFC 510-Emergency Responder Radio Coverage.
    - b. Providing Fire Engine Access along the long side of the building.
    - c. 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.
    - d. 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.
    - e. The maximum distance of a hydrant to the most remote portion of a structure shall be 500 feet. Distance shall be measured around the structure and from the fire apparatus access road.

**VIA EMAIL:**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
June 22, 2021  
Page 7

---

14. If the subject property is determined to be undevelopable for the purposes sought by Stein or, if for any reason, the closing on the subject property does not take place within one (1) year from the date of a successful approval of the SLUP and OB Applications, then, and in such an event(s), the zoning classification of the subject property shall revert to its original classification of conditional GC (absent SLUP and OB approvals) without further action being necessary on the part of Cobb County or the owner of the subject property.
15. The totality of the proposed development shall require no variances from provisions of the Cobb County Zoning Ordinance.
16. The District Commissioner, after consultation the ACC, shall have the authority to approve minor modifications to these stipulations, the site plan, architectural renderings/elevations and all other components of this development as it proceeds through the Plan Review Process and thereafter. However, the District Commissioner shall not have the authority to approve modifications or revisions which:
  - a. Increase the density.
  - b. Reduce the size or composition of an approved buffer or landscape strip adjacent to contiguous properties.
  - c. Relocate a structure closer to a perimeter property line.
  - d. Increase the height of a building so that it exceeds the at-grade level of buildings located on contiguous and/or adjacent properties.
  - e. Which seek additional waivers from the Cobb County Zoning Ordinance other than those depicted on the current site plan.

As mentioned above, the Subject Property is located within a CAC on the FLUM and is positioned within an area along the Gordy Parkway and Shallowford Road Corridors which is appropriate for the utilization as proposed.


**VIA EMAIL:**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
June 22, 2021  
Page 8

For those reasons and the other matters mentioned herein, Staff has recommended approval of the Application and related OB Application. Nevertheless, please do not hesitate to contact me should you or your Staff require any further information or documentation prior to these Applications being heard and considered by the Planning Commission and Board of Commissioners next month. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.  
[gsams@samslarkinbuff.com](mailto:gsams@samslarkinbuff.com)

GLS, Jr./jac  
Attachments

cc: Members, Cobb County Board of Commissioners (via email w/attachments)  
Members, Cobb County Planning Commission (via email w/attachments)  
Dr. Jackie McMorris, County Manager (via email w/attachments)  
BOC Commission Assistants (via email w/attachments)  
Ms. Jessica Guinn, AICP, Director, Community Development (via email w/attachments)  
Mr. Jason Gaines, AICP, Manager (via email w/attachments)  
Mr. Phil Westbrook, Planner III (via email w/attachments)  
Ms. Jeannie Peyton, Senior Planner (via email w/attachments)  
Mr. Terry Martin, Planner III (via email w/attachments)  
Mr. Donald Wells, Planner II (via email w/attachments)  
Ms. Margie Vazquez, Planner II (via email w/attachments)  
Ms. Pamela Mabry, County Clerk (via email w/attachments)  
Ms. Robin Stone, Deputy County Clerk (via email w/attachments)  
Ms. Leila Washington, Deputy County Clerk (via email w/attachments)  
Capt. Josh Davis, Fire Marshal's Office (via email/with attachment)  
Mr. David Breaden, P.E., Stormwater Management Division (via email w/attachments)  
Mr. Carl Carver, P.E., Stormwater Management Division (via email w/attachments)  
Ms. Amy Diaz, P.E., Cobb DOT (via email w/attachments)

SAMS, LARKIN & HUFF  
A LIMITED LIABILITY PARTNERSHIP

Petition No. SLUP-5 ! O.B.28  
Meeting Date 7-20-21  
Continued

**VIA EMAIL:**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
June 22, 2021  
Page 9

---

Ms. Abby Rettig, P.E., Cobb DOT (via email w/attachments)  
Mr. Tim Davidson, Water System (via email w/attachments)  
Mr. Henry Hays, Gordy Parkway ACC (via email w/attachments)  
Ms. Chris Lindstrom, Vice President ECCA (via email w/attachments)  
Ms. Laura Hickman, Highland Park/Highland Terrace HOA (via email w/attachments)  
Mr. Chris Rink, North Hampton HOA (via email w/attachments)  
Mr. Daniel Ginburg, Stein Investment Group (via email w/attachments)  
Mr. Jason Linscott, Stein Investment Group (via email w/attachments)