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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

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

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)

