



AGENDA

COBB COUNTY BOARD OF COMMISSION ZONING MEETING MAY 21, 2024 – 9:00 AM

Cobb County...Expect the Best!

Agendas and Minutes

Cases Continued or Held by Planning Commission

BOC Regular Cases and New Business

Other Business Cases

1. OB-17-2024 (District 2- 1140 & 1150 Terrell Mill Road)-Preliminary
2. OB-18-2024 (District 3- Sterling Sky Lane)-Preliminary
3. OB-19-2024 (District 4- Brown Road and Stout Parkway)-Preliminary
4. OB-20-2024 (District 1-5885 Fords Road)-Preliminary
5. OB-21-2024 (District 3-1180 Liberty Hill Road)-Preliminary
6. OB-22-2024 (District 2-1617 White Circle)-Preliminary
7. OB-23-2024 (District 2-1788 Shelley Court)-Preliminary
8. OB-24-2024 (District 2-1100 Circle 75 Parkway)-Preliminary
9. OB-25-2024 (District 3-1831 Goodhearth Drive)-Preliminary
10. OB-26-2024 (District 4-0 South Gordon Road)-Preliminary
11. OB-27-2024 (District 4-Behind 4410 Sullivan Road)-Preliminary
12. OB-28-2024 (District 1-3030 Jim Owens Road)-Preliminary
13. OB-29-2024 (District 2-Paces Ferry Road)-Preliminary
14. OB-30-2024 (District 4-Behind 1184 Clay Road)-Preliminary
15. OB-31-2024 (District 3- 3550 Sandy Plains Road)-Preliminary

AGENDA

Page 2 of 2

MAY 21, 2024 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2

ITEM OB-17-2024

To consider a Settlement of Litigation for ADP-Terrell Mill, LLC and the Estate of Ruby Inez Fridell regarding case Z-66 of 2022 and SLUP-14 of 2022. The property is located on the south side of Delk Road and on the west side of Terrell Mill Road in Land Lot 936 of the 17th District (1140 and 1150 Terrell Mill Road).

BACKGROUND

The subject property was filed in 2022 to rezone the property from R-80 to Community Retail Commercial (CRC) with a Special land Use Permit (SLUP) for a Climate Controlled Storage Facility. The Board of Commissioners denied the application on February 21, 2023. The applicant filed a lawsuit challenging the decision. Since the filing of the lawsuit, the applicant has communicated with the County regarding a potential compromise to the decision. The applicant has proposed rezoning the property to Office and Institutional (OI) with a SLUP for a Climate Controlled Storage Facility. The applicant has submitted a detailed letter of the proposal dated March 20, 2024 (see attached).

STAFF COMMENTS

To be submitted in the Final item.

RECOMMENDATION

The Board of Commissioners conduct a public hearing and consider the proposed settlement of litigation.

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

MARIETTA, GEORGIA
EMERSON OVERLOOK
326 ROSWELL STREET
SUITE 100
MARIETTA, GEORGIA 30060
TELEPHONE (770) 429-1499

KNOXVILLE, TENNESSEE
408 N. CEDAR BLUFF ROAD
SUITE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 892-9039

JACKSONVILLE, FLORIDA
10201 CENTURION PARKWAY N.
SUITE 401
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1465

BRENTWOOD, TENNESSEE
12 CADILLAC DRIVE
SUITE 200
BRENTWOOD, TENNESSEE 37027
TELEPHONE (615) 425-7347

LEXINGTON, KENTUCKY
2408 SIR BARTON WAY
SUITE 375
LEXINGTON, KY 40509
TELEPHONE (859) 309-0026

ORLANDO, FLORIDA
390 N. ORANGE AVENUE
SUITE 625
ORLANDO, FLORIDA 32801
TELEPHONE (407) 367-6233

HARRISBURG, PENNSYLVANIA
101 ERFORD ROAD
SUITE 300
CAMP HILL, PA 17011
TELEPHONE (717) 790-2854

March 20, 2024

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 30064

RE: Application for Rezoning - Application No. Z-66 (2022)
Application for Special Land Use Permit - Application No. SLUP-14 (2022)
Applicant: ADP – Terrell Mill LLC
Property Owner: Estate of Ruby Inez Fridell
Property: 2.55 acres, more or less, located at the
intersection of the southerly side of Delk
Road and the westerly side of Terrell Mill
Road, being more particularly known as
1140 and 1150 Terrell Mill Road, Land
Lot 936, 17th District, 2nd Section,
Cobb County, Georgia

AND

ADP – Terrell Mill LLC; Mary F. Beard and Nancy F. Moore, Co-Executors of
the Estate of Ruby Inez Fridell v. Cobb County, Georgia; *et al.*
Civil Action, File No.: 23-1-02238-53
Superior Court of Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent the Applicant, ADP – Terrell Mill LLC (hereinafter referred to as “Applicant”), and the Property Owner, the Estate of Ruby Inez Fridell (hereinafter referred to as “Owner” or “Property Owner”), with regard to a total tract of 2.55 acres, more or less, located at the intersection of the southerly side of Delk Road and the westerly side of Terrell Mill Road, being more particularly known as 1140 and 1150 Terrell Mill

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 2 of 6
March 20, 2024

Road, Land Lot 936, 17th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). This lawsuit arose from the February 21, 2023, decision by the Board of Commissioners to deny the Application to rezone the Property to the Office/Institutional zoning category, which the Applicant contends was contrary to the laws of this State and the Constitutions of the United States of America and the State of Georgia resulting in an unconstitutional deprivation of the constitutional rights of the Applicant. Cobb County responded to the lawsuit denying all allegations and contending the Plaintiffs are not entitled to any relief under the law.

The settlement, as proposed in this letter, the stipulations contained herein, and the accompanying revised Site Plan, result from efforts to resolve the issues presented without the necessity of further litigation or further uncertainty with respect to the future development of the Property.

The Applicant agrees to the following stipulations and conditions, subject to approval of the revised Site Plan submitted herewith, which, if approved, as submitted, shall be in complete settlement of the pending lawsuit and shall be binding upon the Subject Property. The referenced stipulations are as follows:

- (1) Applicant seeks rezoning of the Subject Property from the existing zoning classification of R-80 to the proposed zoning classification of Office/Institutional ("OI"); as well as the contemporaneous approval of a Special Land Use Permit for the operation of a climate-controlled self-storage facility, site plan specific to the revised Site Plan prepared for Applicant by Brunson & Company, dated March 13, 2024. A reduced copy of the revised Site Plan is attached as Exhibit "A."
- (2) The proposed climate-controlled self-storage facility shall be a maximum of two (2) stories in height, with a basement, and shall contain a maximum of 111,230 square feet.¹
- (3) The exterior of the proposed facility shall be primarily brick with accents of EFIS and stucco, and shall be as shown on the renderings collectively attached as Exhibit "B."

¹By virtue of the changes from the initial plans submitted in the original Applications, Applicant no longer seeks or requests any variances from the Cobb County Zoning Ordinance.

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 3 of 6
March 20, 2024

- (4) Applicant agrees the street frontages shall be heavily landscaped, including decorative, black wrought-iron type aluminum fencing, with brick or stone pillars and consistent with the renderings attached collectively as Exhibit "B."
- (5) Signage for the proposed development shall consist of building signage and ground-based monument style signage, with the design, finish, materials, and colors of the monument signage to be complementary to the proposed facility. Applicant agrees there shall be no scrolling, blinking, or moving components, nor LED or neon colors used in the ground-based monument signage or any signage used or located on the proposed facility.
- (6) Applicant agrees the ground-based monument style signage on Terrell Mill Road shall be a maximum of four (4) feet in height.
- (7) Any wall signage shall not be back-lit; but rather, signage lighting shall consist of "goose-neck" style lighting.
- (8) Lighting for the parking areas shall be environmentally sensitive, shoe-box style (or other similar light-directing feature) and shall be fitted with non-glare lenses and cut-off shields to prevent light from extending beyond the property line.
- (9) Security lighting on the proposed facility 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.
- (10) Any dumpsters servicing the proposed facility shall be enclosed within a minimum six (6) foot high brick or masonry enclosure on three sides with a solid wooden screen gate or doors on the access side. The materials and colors for the enclosure shall match and be complementary to the façade of the proposed facility. All dumpsters shall contain rubber lids to minimize noise. All dumpsters shall be screened from view of adjoining residential properties. Servicing of dumpsters shall be limited to the hours of 10:00 a.m. to 5:00 p.m., Monday through Friday.
- (11) Applicant agrees the hours of operation for the proposed facility shall be as follows:
 - (a) Business hours shall be from 9:30 a.m. to 6:00 p.m., Monday – Saturday;
and

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 4 of 6
March 20, 2024

- (b) Access hours shall be 7:00 a.m. to 9:00 p.m., Monday – Saturday; and 9:30 a.m. – 8:00 p.m. on Sunday.
- (12) Applicant agrees no 18-wheel tractor-trailer truck deliveries shall be permitted on the Subject Property.
- (13) Development and construction hours for the proposed project shall be limited to the following:
 - (a) 7:00 a.m. to 6:00 p.m. - Monday – Friday;
 - (b) 8:00 a.m. to 6:00 p.m. - Saturday; and
 - (c) No work on Sunday.
- (14) Applicant agrees to cooperate with the Georgia Native Plant Society (“GNPS”) to provide an opportunity for GNPS to perform a “Plant Rescue.”
- (15) The proposed development shall incorporate the Tree Save and Landscape Plan dated March 13, 2024, prepared by Brunson & Company, and attached collectively as Exhibit “C” and incorporated herein by reference.
- (16) Minor modifications to the within stipulations, the referenced revised Site Plan, lighting, landscaping, architecture, site features, signage, 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;

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 5 of 6
March 20, 2024

- (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.
- (17) All setbacks, 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, surface parking, and any and all slopes or other required engineering features of the foregoing.
- (18) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (19) Applicant agrees to comply with the Comments and Recommendations made by the Cobb County Department of Transportation.
- (20) The above stipulations shall bind the Subject Property and the Applicant, and any other future or potential developer of the Subject Property; however, in the event a Land Disturbance Permit has not been issued within eighteen (18) months of final zoning approval, the zoning category of the Subject Property shall revert to its existing R-80 zoning classification.
- (21) Applicant agrees that hotels and motels shall be a prohibited use under the OI zoning category.
- (22) Applicant agrees that except for “Opening” announcement signage, no temporary signage such as banners or flags shall be allowed.
- (23) All landscaping in buffer areas; as well as, street frontage, shall be maintained by Applicant or any future owner.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 6 of 6
March 20, 2024

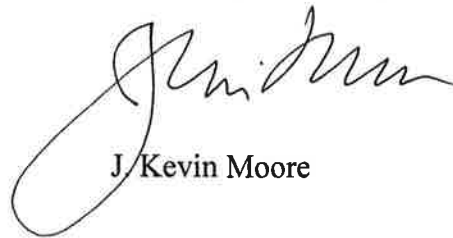
- (24) Applicant agrees the proposed facility will contain a “community room.” Such community room will be available to members of the community to conduct meetings or gatherings on a scheduled basis. Such community room shall be approximately 400-500 square feet, or more, and shall consist of finished meeting room space, furnished, and including audio/visual equipment.

We believe the requested rezoning and Special Land Use Permit, pursuant to the referenced, revised Site Plan, the Landscape Plan, and the revised stipulations set forth herein, is an appropriate use of the Subject Property. The proposed use takes into consideration the location of the Subject Property; as well as, the uses and development of surrounding properties. The proposed facility will be of the highest caliber, shall be compatible with surrounding commercial developments, shall be an enhancement to the Subject Property, and shall provide a useful service to residents within the surrounding vicinity.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

Attachments

c: ADP – Terrell Mill LLC
(With Copies of Attachments)

EXHIBIT “A”



B&B Engineering & Company
LANDSCAPE ARCHITECTS
1830 NEWBY LANE
KNOXVILLE, GA 37929
TEL: 864-799-1144

SHARROCK BUILDING SYSTEMS
2296 Concord Road
Smyrna, GA 30080

OWNER:

TERRELL MILL/DELK RD STORAGE
SITE PLAN

Prepared For:
SHARROCK BUILDING SYSTEMS
LAND LOTS 936, 17TH DIST, 2ND SECTION
COBB COUNTY, GEORGIA



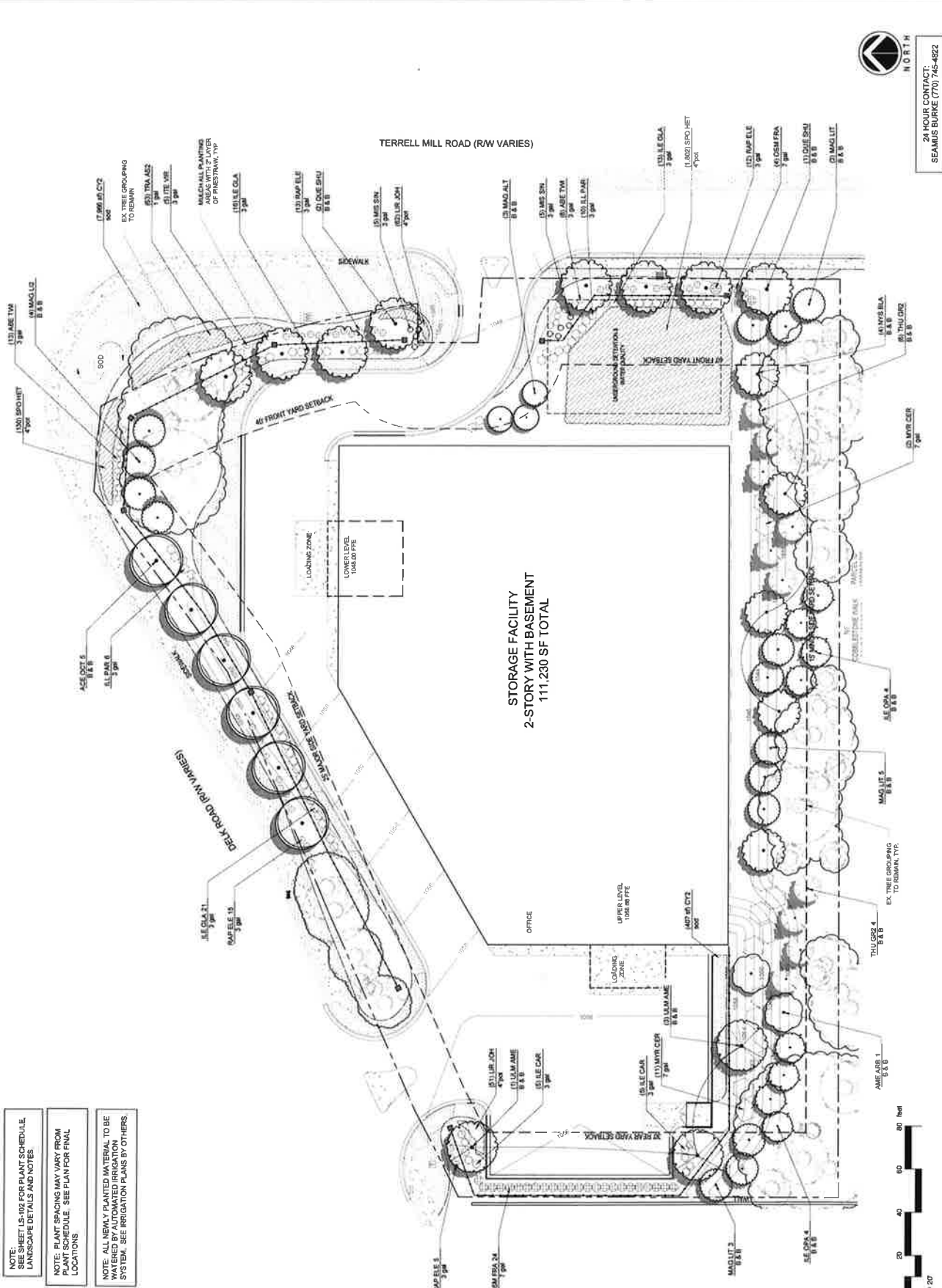
SEAL
STATE OF GEORGIA
LANDSCAPE ARCHITECT
NO. 22099
SEAMUS BURKE
4160 WOODBURN DRIVE
KNOXVILLE, TN 37922

REVISIONS

DRAWING TITLE:
LANDSCAPE PLAN

SHEET # OF #
3.14.24 22,099

LS-102



- NOTE: SEE SHEET LS-102 FOR PLANT SCHEDULE, LANDSCAPE DETAILS AND NOTES.
- NOTE: PLANT SPACING MAY VARY FROM PLANT SCHEDULE. SEE PLAN FOR FINAL LOCATIONS.
- NOTE: ALL NEWLY PLANTED MATERIAL TO BE WATERED BY AUTOMATED IRRIGATION SYSTEM. SEE IRRIGATION PLANS BY OTHERS.



24 HOUR CONTACT:
SEAMUS BURKE (770) 745-4622



EXHIBIT “B”













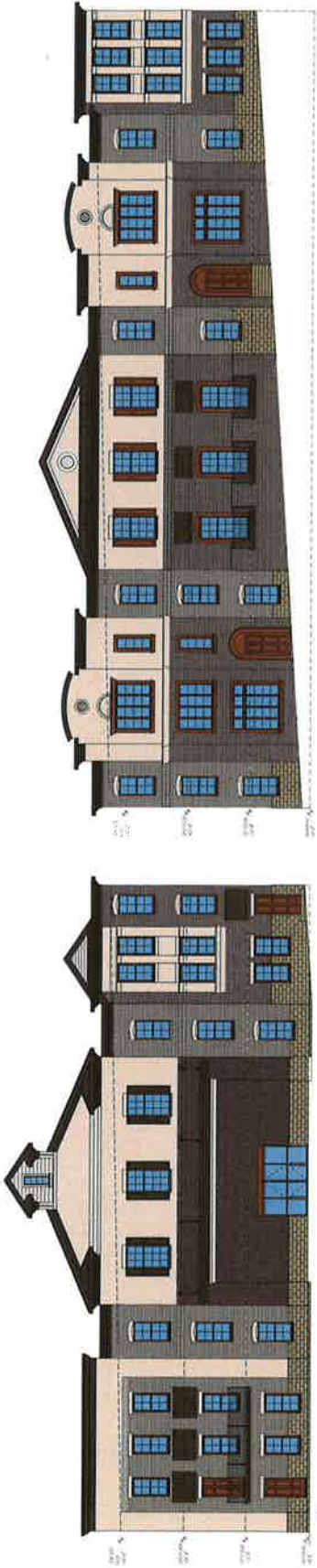












PH
 PROJECT ARCHITECT
 1140/1150 TERRELL MILL RD SE
 MARIETTA, GA
 OFFICE: (770) 345-8822 FAX: (770) 745-8800

Revised for Construction Date: 2004
 ELEVATIONS
 Drawing Title

Project Title
 TERRELL MILL AND DELK SELF STORAGE
 1140/1150 TERRELL MILL RD SE
 MARIETTA, GA
 OFFICE: (770) 345-8822 FAX: (770) 745-8800



TERRELL MILL SELF STORAGE

FACADE MATERIALS

COLORS		MATERIALS
	R:210 G:210 B:210	
	R:135 G:135 B:135	
	R:175 G:165 B:155	
	R:145 G:125 B:115	
	R:85 G:75 B:65	
	R:225 G:225 B:225	
	R:215 G:210 B:205	
	R:160 G:150 B:130	
	R:220 G:210 B:200	
	R:220 G:210 B:200	
	R:220 G:210 B:200	



EXHIBIT “C”



Burris & Company
LANDSCAPE ARCHITECTS
150 BOWEN LANE
BRYAN, GA 31505
TEL: 844-7977

SHARROCK
BUILDING FACILITIES
1758 Cecil Road
Suwanee, GA 30083

TERRELL MILL/DELK RD STORAGE
SITE PLAN
Prepared For:
SHARROCK BUILDING SYSTEMS
LAND LOTS 996, 17TH DIST, 2ND SECTION
COBB COUNTY, GEORGIA



DATE: 3/14/24
REVISION: 22, 099

REVISIONS
NO. DESCRIPTION
DATE

PROJECT TITLE
SITE PLAN

DATE: 3/14/24
REVISION: 22, 099

PROJECT #
LS-101



SITE DATA
PARCEL ID: 17-0836-000-40.3 & 17-0836-001-R8
ADDRESS: 1140 & 1150 TERRELL MILL ROAD
SITE AREA: 2.35 AC (111,235 SF)
ZONING: UNINCORPORATED COBB COUNTY
R-40 (SINGLE-FAMILY RES.)
CURRENT ZONING: R-40 (SINGLE-FAMILY RES.)
FUTURE LAND USE: CI WITH SLIP
PROPOSED ZONING: CI WITH SLIP
MINIMUM LOT SIZE: 20,000 SF
MINIMUM PUBLIC ROAD FRONTAGE: 50'
MINIMUM PUBLIC ROAD FRONTAGE: 50'
CURRENT USE: RESIDENTIAL LOT
PROPOSED USE: SELF STORAGE FACILITY
PROPOSED DENSITY: 1.00 FAR
PROP. DENSITY: 1.00 FAR
SETBACKS:
FRONT YARD: 40' (TERRELL MILL)
REAR YARD: 10' (TERRELL MILL)
MINOR SIDE YARD: 12' (RESIDENTIAL)
REAR YARD: 35' (ADJACENT TO PUBLIC)
REQUIRED PARKING: PARKING SPACE PER 80 UNITS = 13 SPACES
PROPOSED PARKING: 12
REGULAR SPACES: 12
LOADING SPACES: 1
TOTAL SITE SPACES: 13

24 HOUR CONTACT:
SEAMUS BURKE (770) 745-6822



