

**STATE OF GEORGIA**

**CITY OF HIRAM**

**ORDINANCE NO. 2023-02**

**AN ORDINANCE OF THE GOVERNING AUTHORITY FOR THE CITY OF HIRAM, GEORGIA REZONING FROM “B-2 (HIGHWAY BUSINESS DISTRICT)” TO “I-1 (LIGHT INDUSTRIAL DISTRICT)” THOSE TRACTS OF REAL ESTATE IN THE CITY DESCRIBED IN EXHIBIT AN ATTACHED HERETO, ALSO KNOWN AS PAULDING COUNTY TAX PARCELS 180.1.3.008.0000 AND 180.1.3.012.0000; ATTACHING VARIOUS CONDITIONS AS A PART OF THE REZONING OF THE PROPERTY; TO AMEND THE OFFICIAL ZONING MAP OF THE CITY; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY OF THE PROVISIONS HERETO; TO REPEAL ALL ORDINANCES, RESOLUTIONS, AND PARTS OF ORDINANCES AND RESOLUTIONS IN CONFLICT HERewith; AND FOR OTHER PURPOSES.**

**WHEREAS**, a rezoning application identified as “2022-31-Z” (the “Application”) has been filed by Amsdell Storage Ventures XXXI, LLC, and represented by attorney Joel L. Larkin of Sams, Larkin, & Huff, LLP (the “Applicant”) pertaining to the property described in Exhibit A, also known as Paulding County Tax Parcels 180.1.3.008.0000 and 180.1.3.012.0000 (the “Subject Property”);

**WHEREAS**, the Subject Property is located within the city limits of the City of Hiram and is presently zoned “B-2 (Highway Business District)” as described in the City’s Zoning ordinance codified at Appendix A to the City’s Code of Ordinances and as is reflected on the official zoning map of the City of Hiram maintained in the office of the City Operations Director, styled Hiram Zoning Map;

**WHEREAS**, the Applicant seeks to rezone the property to “I-1 (Light Industrial District)” as described in the City’s Zoning ordinance;

**WHEREAS**, the Application has been received and processed in accordance with the requirements of the City’s Code of Ordinances, and as required by State law;

**WHEREAS**, a public hearing was held by the Paulding County Planning Commission (the “Planning Commission”) on November 29, 2022, after having been noticed publicly in accordance with all applicable rules and regulations;

**WHEREAS**, upon hearing the matter, the Planning Commission recommended approval of the Application subject to certain conditions prescribed;



**WHEREAS**, the record of the matter before the Planning Commission has been received along with its recommended approval of the Application and list of conditions prescribed;

**WHEREAS**, upon receipt of the Planning Commission's recommendation, the City published notice of a public hearing on the Application in compliance with all application rules and regulations;

**WHEREAS**, City Staff reviewed the Application and the record of the matter and, in light of the ordinances governing requests for rezoning, prepared a Staff report to accompany the record for consideration by the Governing Authority, a copy of which is attached as Exhibit B;

**WHEREAS**, the request for rezoning was heard at a properly noticed public hearing of the Governing Authority of the City of Hiram on January 31, 2023;

**WHEREAS**, at its regular meeting on February 7, 2023, the Governing Authority tabled consideration of the application to its regular meeting on March 7, 2023;

**WHEREAS**, based upon the information presented at the January 31, 2023, public hearing, further review of the matter by City Staff, and upon the entire record of the matter, all of which is before the Governing Authority, the Governing Authority finds that the rezoning requested should be granted subject to the amended stipulations which have been agreed to by the Applicant, a copy of which is attached as Exhibit B and incorporated by reference as the findings and conclusions of the Governing Authority;

**THE GOVERNING AUTHORITY SO ORDAINS AS FOLLOWS:**

**Section 1.** That the zoning of the property identified on Exhibit A, also known as Paulding County Tax Parcels 180.1.3.008.0000 and 180.1.3.012.0000 are rezoned from "B-2 (Highway Business District)" to "I-1 (Light Industrial District)."

**Section 2.** That, except as otherwise provided in Exhibit B, the development and use of the property identified on Exhibit A is subject to all applicable restrictions, limitations, and requirements of the City's Code of Ordinances and any and all other applicable laws, including the conditions prescribed in Exhibit B which are hereby incorporated as requirements applicable to development of the property going forward.

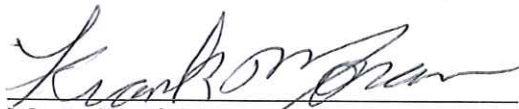
**Section 3.** That to the extent necessary and required, the City's Comprehensive Plan shall be updated to reflect the change in zoning. The official zoning map for the City maintained by the City Operations Director is hereby incorporated and amended to reflect this amendment, is as much a part of this Ordinance as if fully described herein, and the same shall be available for public inspection.

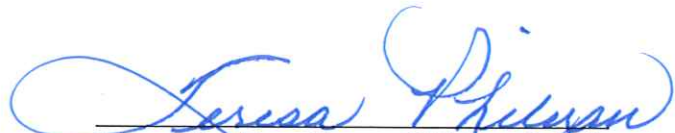
**Section 4.** In the event a court of competent jurisdiction declares any word, phrase, clause, sentence, or paragraph of this Ordinance invalid, unenforceable, or unconstitutional, such ruling shall not affect the remaining words, phrases, clauses, sentences, and paragraphs of this

Ordinance, but the invalidated provisions shall be severed from the Ordinance and the remaining contents shall stand with their validity in no way affected.

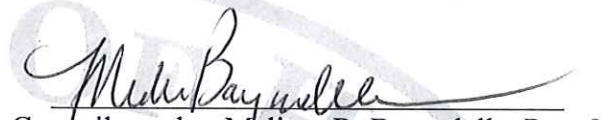
**Sections 5.** This Ordinance shall become effective immediately upon its adoption by the Governing Authority.


**SO ORDAINED** this 7th day of March, 2023.


  
Mayor Frank Moran


  
Mayor Pro Tem Teresa Philyaw, Post 1

  
Councilmember Kathy Bookout, Post 2

  
Councilmember Melissa R. Bayardelle, Post 3

  
Councilmember Derrick Battle, Post 4

  
Councilmember Doris Devey, Post 5

Attest:   
Melissa Chosewood, City Clerk



## **EXHIBIT A**

**2022-31-Z (CoH)**

**City of Hiram**



### LETTER OF INTENT

The letter of intent is submitted in conjunction with that certain rezoning application (the "Rezoning Application") submitted on behalf of AMSDELL STORAGE VENTURES XXXI, LLC, a Delaware limited liability company ("Applicant"), regarding a tract of approximately 9.339 acres of land fronting on Hiram-Douglasville Highway in the City of Hiram, Georgia.

Applicant owns two adjacent tracts fronting on Hiram Douglasville, Highway. Both properties are zoned B-2 under the City of Hiram Zoning Ordinance. The larger tract comprises approximately 8.5 acres of land located at 1680 Hiram-Douglasville Highway. In the late 1990's this larger tract was developed with a series of self-storage buildings comprising, in the aggregate, approximately 80,000 square feet. At that time, this was a permitted use of the Property. The smaller tract is located along the frontage of Hiram-Douglasville Highway and is contiguous with the east and north boundaries of the larger tract. The smaller tract comprises approximately 1.25 acres and is undeveloped.

Applicant desires to develop the smaller tract with a two-story climate-controlled addition to the existing self-storage complex. Applicant began designing the proposed addition and was surprised to learn that the City of Hiram Zoning Ordinance has been amended since the existing project was constructed and self-storage projects are no longer a permitted use in the B—2 zoning District. Accordingly, Applicant has filed this application to zone the smaller tract to the now required LI zoning district. Additionally, because it intends to make the new building a part of its existing project, and in order to make the non-conforming larger tract compliant with the current City of Hiram Zoning Ordinance, Applicant has included the combined parcel in its rezoning application. Applicant also seeks contemporaneous variances to the extent that any of the existing buildings are not compliant with the setbacks and other development criteria applicable to the current LI zoning district.

Notwithstanding the changes to the City of Hiram Zoning Ordinance, self-storage remains a use that is suitable in the area that the subject Property is located. Further, continuation and expansion of the existing self-storage business will have no detrimental impact of the City of Hiram or the surrounding areas.

Sams, Larkin & Huff, LLP

By: 

Joel L. Larkin

Georgia State Bar No. 438415



# REZONING APPLICATION

Paulding County Planning and Zoning Division \* Dallas, Ga 30157 \* 770-443-7601

Name of Applicant / Representative Amsdell Storage Ventures XXXI, LLC / Doug Lamison, Project Manager

Address 20445 Emerald Parkway Drive SW - Suite 220

City Cleveland State Ohio Zip 44135

Email dlamison@amsdellcompanies.com Phone (216) 458-0670

Signature of Applicant / Representative Amsdell Storage Ventures XXXI, LLC  
By: Amsdell Construction, Inc., its Manager

Signed, sealed and delivered in the presence of Todd C. Amsdell, President

Notary Public Kristin Retberg My commission expires August 21, 2024

Name(s) of Titleholder(s) Amsdell Storage Ventures XXXI, LLC, by Amsdell Construction, Inc., Manager, Todd C. Amsdell, President

Address 20445 Emerald Parkway Drive SW - Suite 220

City Cleveland State Ohio Zip 44135

Email tca@amsdellcompanies.com Phone 216-458-0670

Signature of Titleholder(s) Amsdell Storage Ventures XXXI, LLC  
By: Amsdell Construction, Inc., its Manager

Signed, sealed and delivered in the presence of Todd C. Amsdell, President

Notary Public Kristin Retberg My commission expires August 21, 2024

Present Zoning District(s) B20 Requested Zoning District LI Acreage of Titleholder(s) 9.339 acres

Sewage Disposal Type Septic currently, convert Sewer when available Tax Parcel I.D. Number(s) Tract I: 180.1.3.008.000 Tract II: 180.1.3.012.0000

Land Lot(s) 823 District(s) 2 Section(s) 3

DRI Application # Not Applicable Is the property in the Hiram City Limits? Yes (yes or no)

Location of property West side of Hiram Douglasville Hwy (Hwy. 92) approximately 730 feet south of Hiram Sudle Rd. - See also Exhibit A  
Nearest intersections, (i.e. east/ west side of given road, and south/north of given road) and address if available

Description of proposed development: (including total number of lots, if residential):

The expansion of the existing self-storage property (aka Compass Self Storage). The expansion project will consist of one two-story climate-controlled building with a total of approximately 40,000 gross square feet. The new building will have a new operations office and retail store for the entire property (existing and new expansion) The expansion building will be developed on Tract II of the property. Tract II is approximately 1.25 acres in size.

**\*\*Staff Use Only\*\***

Case # 2022-31-Z (COH)

Hearing Date November 29, 2022

**Planning Commission Recommendation:**

**Board of Commissioners Decision:**

Approved [Signature] Conditions 7 SNE

Approved \_\_\_\_\_ Date \_\_\_\_\_

Disapproved \_\_\_\_\_ Reason \_\_\_\_\_

Disapproved \_\_\_\_\_ Date \_\_\_\_\_

Tabled \_\_\_\_\_ Reason \_\_\_\_\_

Tabled \_\_\_\_\_ Date \_\_\_\_\_

06/22



# ZONING ANALYSIS

2022-31-Z(COH)

**Applicant:** Amsdell Storage Ventures XXXI, LLC  
**Titleholder:** Amsdell Storage Ventures XXXI, LLC, by Amsdell Construction, Inc.,  
Manager, Todd C. Amsdell, President

**Date:** November 29, 2022

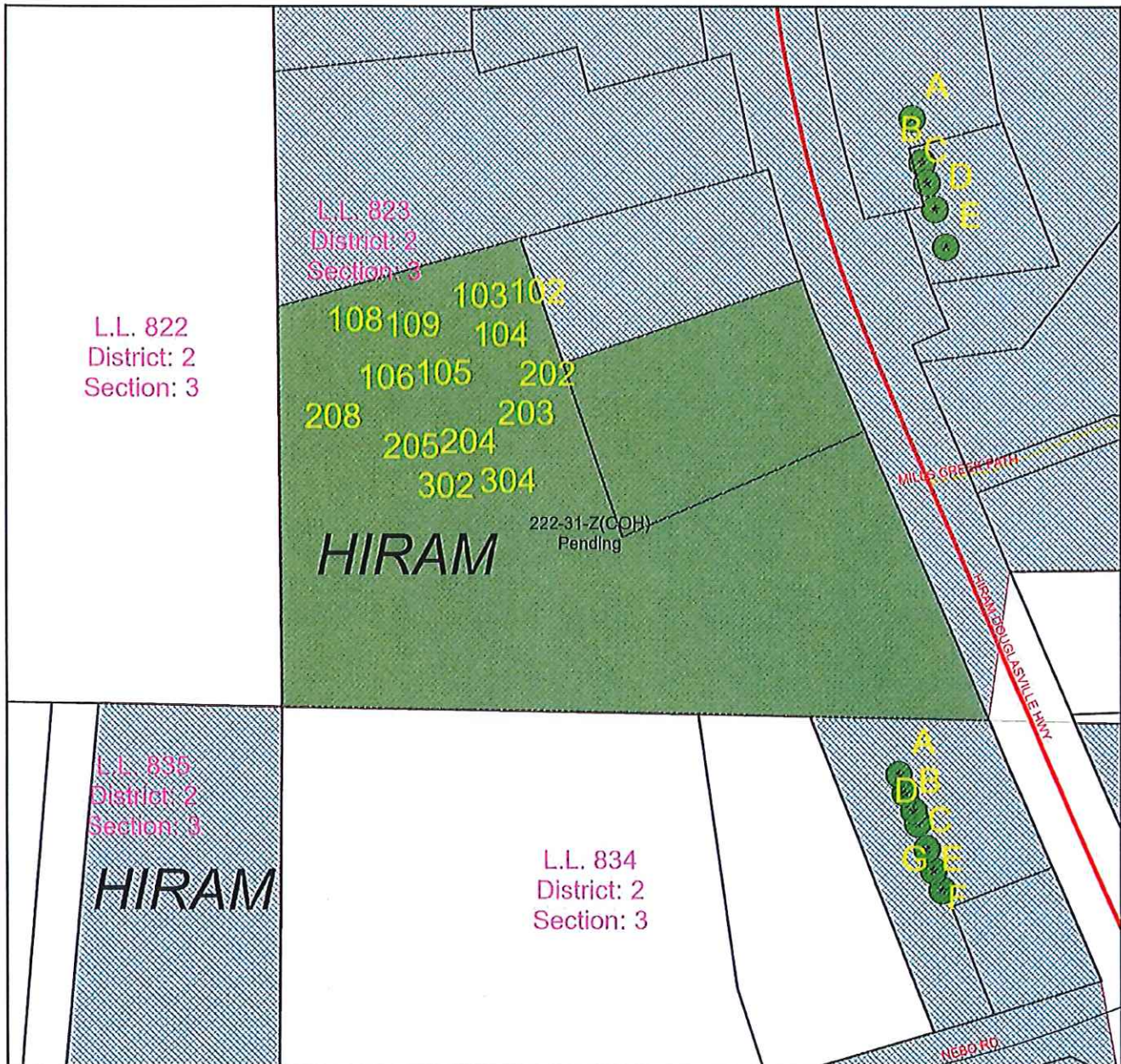
**Land Lot:** 823

**Present Zoning:** B-2

**Post 3**

**District:** 2    **Section:** 3

**Requesting:** a rezoning of 9.339 acres from B-2 (Highway Business) to I-1 (Light Industrial) for the expansion of the existing Compass Self-Storage facility and development of a mixed use retail/office space.



0 200 400 800 Feet





800 Feet



# Current Zoning Data

Applicant: Amsdell Storage Ventures XXXI, LLC

Date: November 29, 2022

2022-31-Z(COH)

## Legend

- railroad
- Silver Comet Trail
- Land Lots
- Municipalities

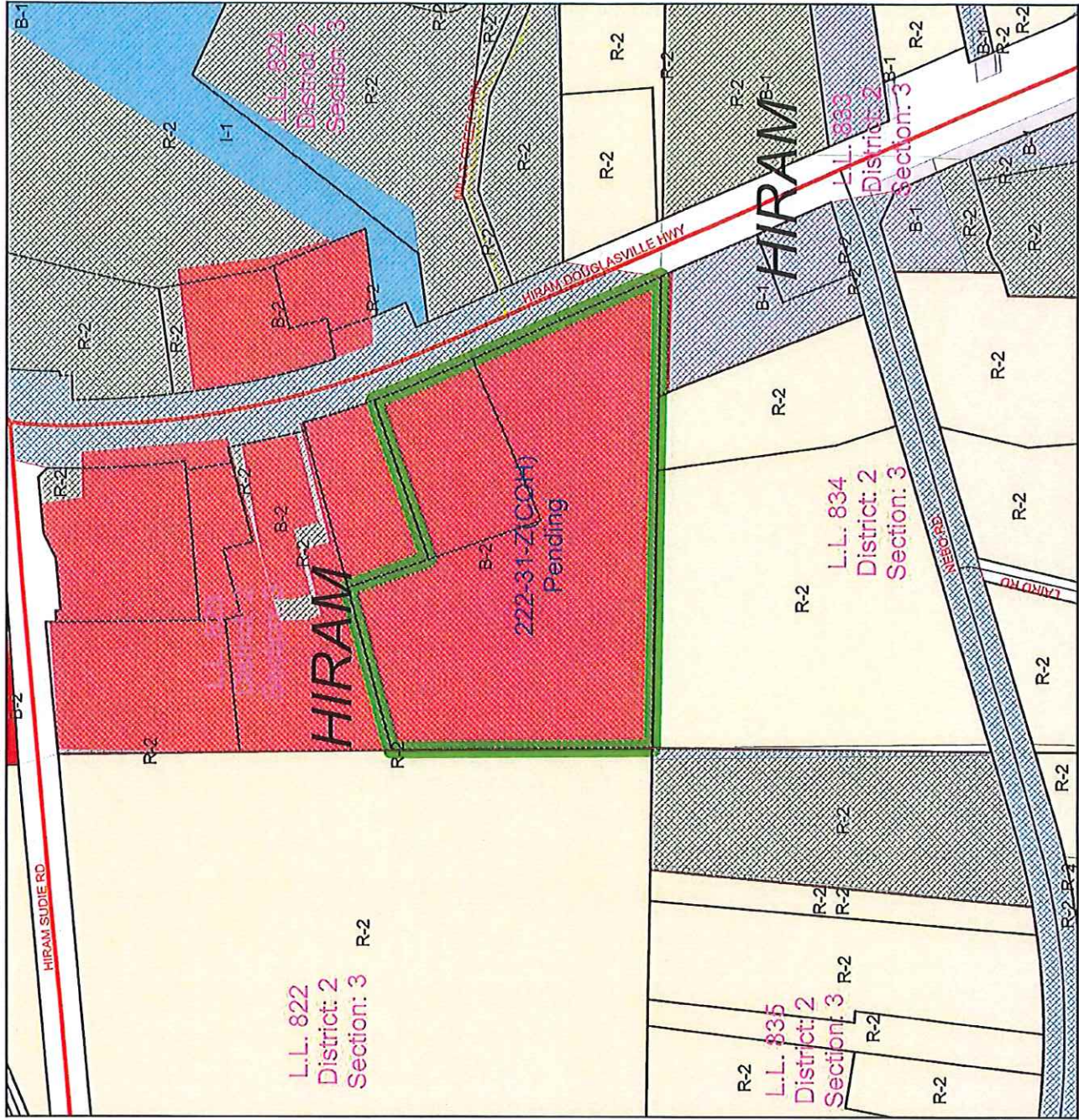
## ZONING DISTRICTS

- A-1 (Agricultural)
- ER (Estate Residential)
- R-1 (Rural Residential)
- R-2 (Suburban Residential)
- R-3 (Sewered Suburban Residential)
- MPR (Master Planned Residential)
- OSRD (Open Space Residential District - Adopted 4/28/05)
- RD (Duplex District)
- MHP (Manufactured Home Park)
- R-55 (Active Adult Residential Zoning District)
- LRO (Low Rise Office)
- O-I (Office & Institutional)
- NB (Neighborhood Business)
- B-1 (General Business)
- PSC (Planned Shopping Center)
- B-2 (Highway Business)
- ECR (e-Commerce Retail)
- ECBP (e-Commerce Business Park)
- B2CL (Business to Consumer Logistics)
- AML (Advanced Manufacturing Logistics)
- I-1 (Light Industrial)
- I-2 (Heavy Industrial)
- AB (Agricultural Business)
- (Low Density Quality Res. Dev. District) - Adopted 8/14/07
- R-4 (Multi-Family/Rental)
- R-7 (Multi-Family/Fee Simple)
- PRD (Planned Residential Development - Amended 9/28/04)

Zoning Legend above applies to unincorporated Paulding County. City of Hiram is labeled.

## Overlay Districts

- C-O (Corridor Overlay) - Adopted 7/27/04, Amended 1/24/06 and 4/27/06
- Sweetwater Overlay District - Adopted 3/23/21
- Noise Level Buffer Zone
- Airport Overlay - Adopted 9/23/2008



0 300 600 1,200 Feet





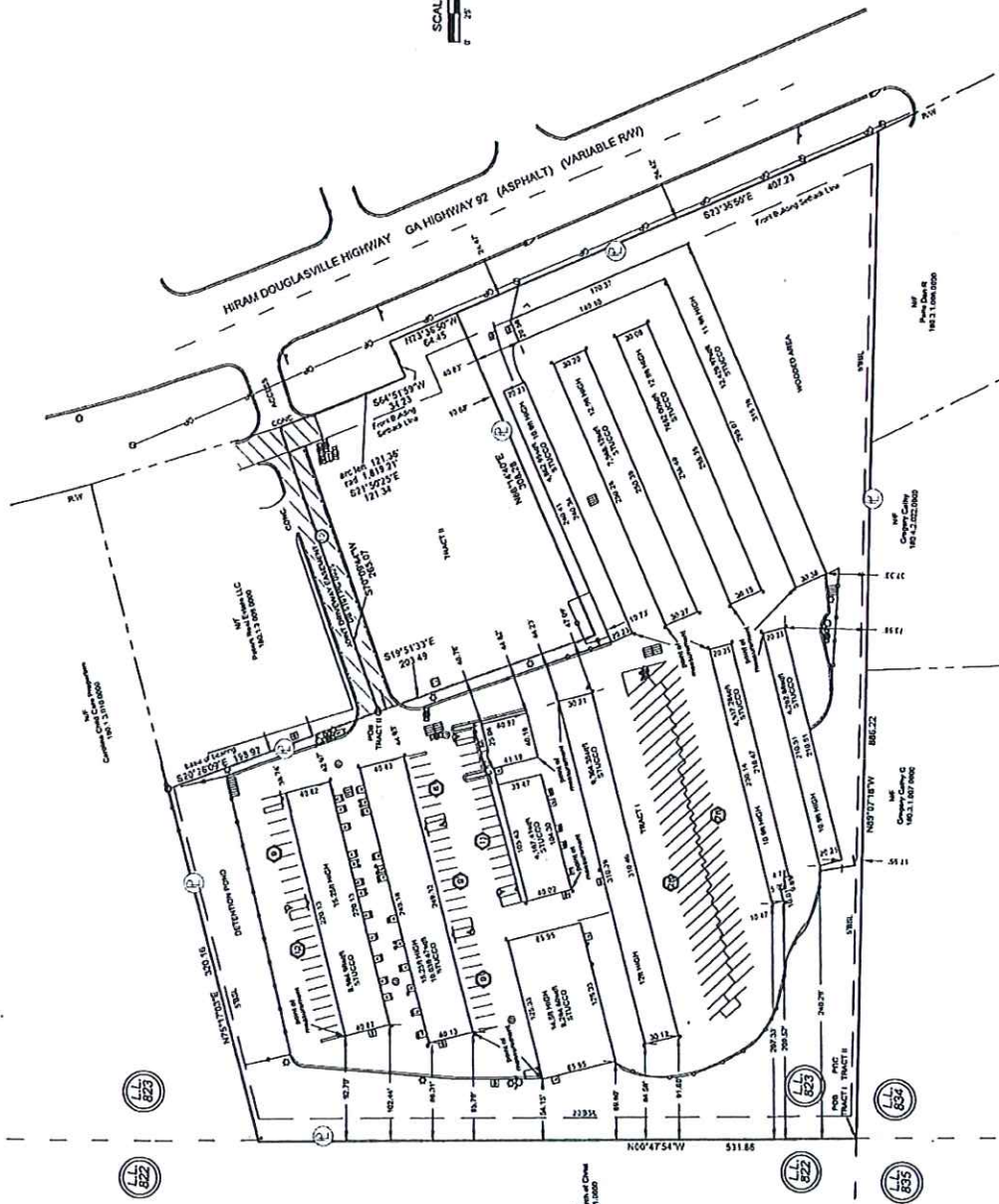
COMMERCIAL  
HUE, TUGGLES, L. CURVATES  
MATCHLINE SEE SHEET 3

19 SURVEY DRAWING

17 NORTH ARROW / SCALE

SCALE: 1" = 50'

18	ALTAACON Land Title Survey This Survey Comprehends By: COMMERCIAL DUE DILIGENCE SERVICES 1708 South Broadway, Suite 100 Denver, Colorado 80202 Office Phone: 888-452-7878 Fax: 888-452-7879 Proposed Fee:
20	PROJECT ADDRESS 1801 Highway 92, Suite 110 Hiram, GA Project Name: Amended Survey: CDD Project Number: 14-05-0150



Approved CDS Surveyor  
Renee J. Jeter  
2011 Bachelor's Degree, Surveying  
770-305-3454 and 138  
CAB License 000024  
Renee@rjeter.com

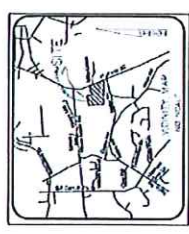
DATE: 10/15/2013	DRAWN BY: JLL
JOB NUMBER: 101418	
OWNER: PERSPECTIVE ENGINEERING	
ADDRESS: 4155 W. 130th St., Suite 100, Overland Park, KS 66204	
PHONE: (913) 241-1144	
FAX: (913) 241-1144	
WWW.PERSPECTIVEENGINEERING.COM	

PROJECT NAME	COMPARS SELF STORAGE
CITY	CITY OF HIRAM, PAULding COUNTY, OHIO
CLIENT NAME	2015 E. HIRAM PARKWAY DRIVE, SUITE 210 CLEVELAND, OHIO 44115

SEAL	10/15/2013
REZONING SITE PLAN	



24 HR. CONTACT DOUG LAMISON 216-458-0670
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**DEVELOPMENT DATA:**

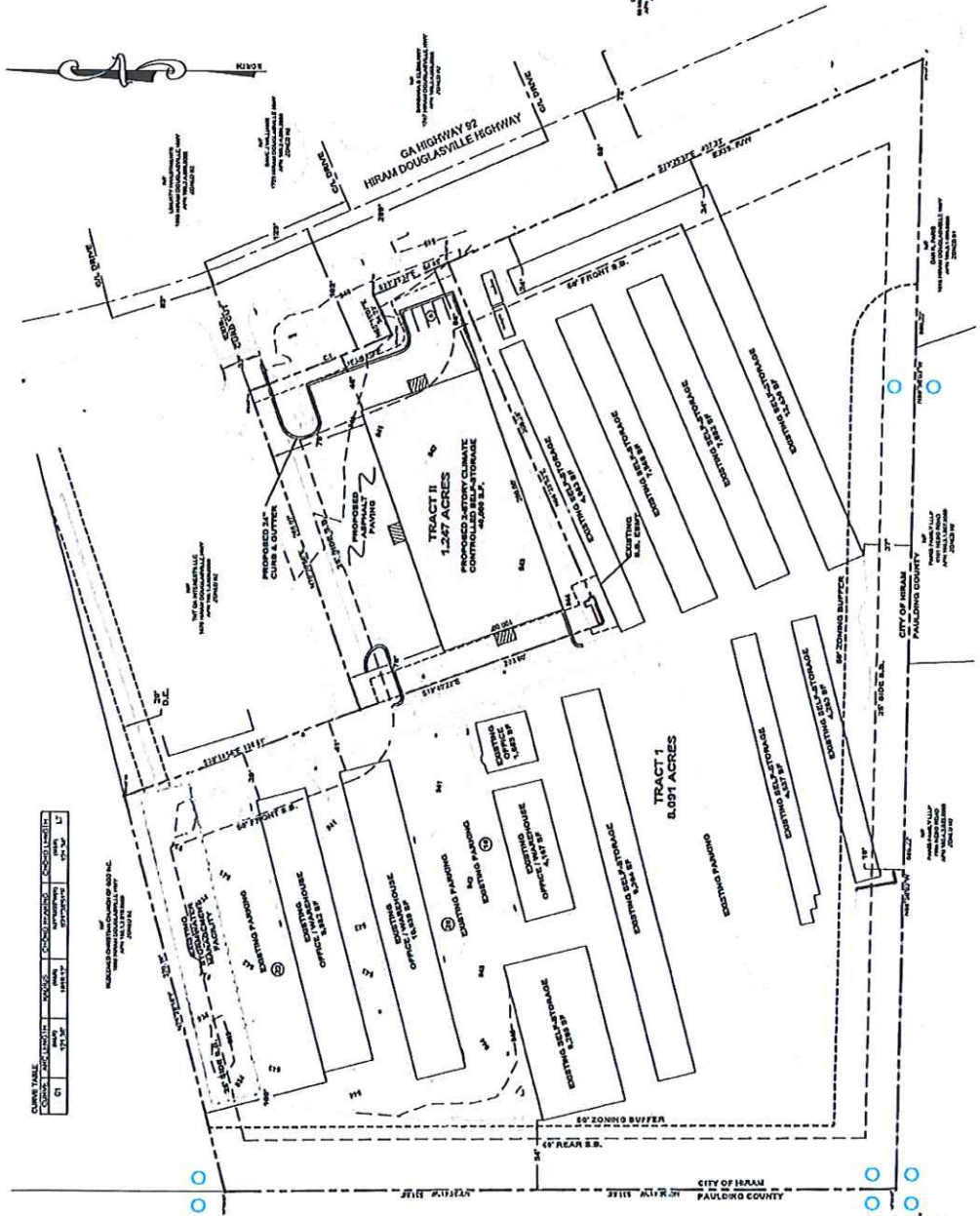
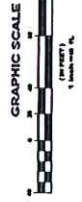
1. Property is currently Zoned: B2
2. Total Area: 9,335 Acres (406,790 S.F.)
3. Tract 1: 8,091 Acres (352,462 S.F.)
4. Tract 2: 1,247 Acres (54,328 S.F.)
5. Existing Use (To Remain):
6. Office/Warehouse: 23,048 S.F.
7. Proposed Use (To be Added):
8. Self-Storage: 40,000 S.F.
9. Building Footprints:
10. Front - 25'
11. Side - 50'
12. Rear - 40'
13. Sewer:
14. Septic System
15. Proposed: Public - Paulding County
16. Water: Public (Paulding County)
17. Vertical Datum: NAVD 1985

**GENERAL NOTES:**

1. BOUNDARY AND TOPOGRAPHIC INFORMATION
2. LAND TITLE SURVEY BY COMED CO. ALL
3. SURFACE SERVICES DATED APRIL 14, 2011 AND
4. THERE ARE NO KNOWN UTILITIES OR
5. ARCHITECTURAL OR ARCHITECTURAL
6. ASSESSMENTS WITH THE PROPERTY.



Know what's below.  
Call before you dig.



OWNER TABLE

OWNER	ADDRESS	CONTACT	DATE
1	101418	10/15/2013	10/15/2013

24 HR. CONTACT  
DOUG LAMISON  
216-458-0670

DOUG LAMISON, ENGINEER OF THIS PROPERTY, IS WITHIN A SPECIAL FLOOD HAZARD ZONE. THE PROPERTY IS WITHIN A SPECIAL FLOOD HAZARD ZONE. THE PROPERTY IS WITHIN A SPECIAL FLOOD HAZARD ZONE. THE PROPERTY IS WITHIN A SPECIAL FLOOD HAZARD ZONE.



**STAFF COMMENTS:**

The applicant is proposing to rezone 9.339 acres from B-2 (Highway Business) District to I-1 (Light Industrial) District for zoning compliance of an existing self-storage facility and to develop and construct a two-story, climate controlled self-storage building on a 1.25 acre undeveloped site. The new building would be approximately 40,000 sq. ft. in size. The site is located on the west side of State Route 92 (Hiram-Douglasville Highway) and the south of Hiram-Sudie Road. The access to the site is from an existing entrance on Hiram-Douglasville Highway. It is also noted that there may be an issue with frontage road connection as it appears an existing billboard sign is located within the area the frontage road should connect to the south of the parcel.

The Hiram Zoning Ordinance permits self-storage facilities in the I-1 Zoning District.

The adjoining property to the north is zoned B-2 (Highway Business). These properties include a commercial business and a church. The properties to the south are zoned B-1 (General Business) and R-2 (Suburban Residential). These properties include commercial / office and single-family residential uses. The property to the west is zoned R-2 and is also the location of a church. The properties to the east (across SR 92) are zoned I-1, B-2 and R-2. The primary use for these properties is commercial.

The proposed industrial land use (self-storage facility) for the site would not be in conformance with the 2022 Comprehensive Plan and associated Hiram Future Development Map. Self-storage facilities are considered an industrial land use by the Hiram Zoning Ordinance. The Future Development Map for the City of Hiram anticipates commercial land uses for the site. However, staff recognizes the significance of the existing self-storage buildings on the site and recommends the rezoning for compliance purposes. Staff is also stipulating that any proposed changes to other I-1 land uses and/or businesses other than the existing self-storage use / business will require approval through the rezoning process by the City of Hiram.

**A. Existing land use and zoning classification of nearby property:**

<u>ADJACENT ZONING</u>	<u>ADJACENT DEVELOPMENT</u>
NORTH: <u>B-2</u>	NORTH: <u>Church</u>
SOUTH: <u>B-2</u>	SOUTH: <u>Commercial</u>
EAST: <u>R-2</u>	EAST: <u>Single-family Residential</u>
WEST: <u>I-1</u>	WEST: <u>Future Site Greystone Power</u>

**B.** It is Staff's opinion the applicant's rezoning proposal may permit a use that is suitable (if approved) in view of the use and development of adjacent and nearby properties. The proposed climate-controlled building will be associated with the existing self-storage business on the site.

**C.** It is Staff's opinion the applicant's rezoning proposal may not have an adverse affect on the usability of adjacent or nearby property. As stated above, this is an existing self-



storage facility. An existing 50-ft. buffer will remain along the west (rear) property line and south (side) property line. One of the existing storage buildings would be located in the 50 ft. buffer.

D. It is Staff's opinion the applicant's rezoning proposal may result in a use that would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or other public services. The Paulding County Department of Transportation and Water System have reviewed the application and are requesting improvements listed in the stipulations section, which would minimize impacts.

E. It is Staff's opinion that the rezoning request is supported by new and changing conditions affecting uses and developments along SR 92 (Hiram-Acworth Highway). The current use of the site will remain a self-storage business.

F. The proposed industrial land use (self-storage facility) for the site would not be in conformance with the 2022 Comprehensive Plan and associated Hiram Future Development Map. Self-storage facilities are considered an industrial land use by the Hiram Zoning Ordinance. The Future Development Map for the City of Hiram anticipates commercial land uses for the site. However, staff recognizes the significance of the existing self-storage buildings on the site and recommends the rezoning for compliance purposes. Staff is also stipulating that any proposed changes to other I-1 land uses and/or businesses other than the existing self-storage use / business will require approval through the rezoning process by the City of Hiram.

**Based on the preceding analysis staff recommends APPROVAL with stipulations.**

1. Owner/Developer agrees that any proposed changes to other I-1 land uses and/or businesses other than the existing self-storage use / business will require approval through the rezoning process by the City of Hiram.
2. Owner/Developer agrees access to the development shall be determined during the plan review process.
3. Owner/Developer to coordinate with the Georgia Department of Transportation on updating access permit due to land use change.
4. Owner/Developer agrees to meet the requirements of the Corridor Overlay District.
5. Owner/Developer agrees to setback project improvements for PI 621720, Widening and Reconstruction of SR 92 from Nebo Road to East Paulding Middle School.
6. Owner/Developer acknowledges this property is within the mandatory Coppermine Sewer Service Basin. The SR 92 Hiram Sewer Project (in-process) will provide public sewer service to this site.
7. Owner/Developer agrees to relocate water mains out from under proposed asphalt paving, including acceleration/deceleration lanes, if road widening is required.

*The recommendations made herein represent the opinions of the Planning and Zoning Staff and do not constitute a final decision. The Paulding County Board of Commissioners makes the final decision on all Rezoning applications, Land Use Permits, and Special Use Permits at an advertised public hearing.*



NAME	DATE
ADDRESS	GRADE
CITY	STATE
ZIP	SK-04

SK-04

2  
SK-4

WEST ELEVATION

SCALE: 1/8" = 1'-0"





## EXHIBIT B

1. Owner/Developer acknowledges that the property is being rezoned from B-2 to I-1 to make the existing self-storage/mini-warehouse project legally conforming on the developed tax parcel (180.1.3.008.0000, aka Tract 1) and to allow the construction of an additional climate-controlled storage building on the undeveloped tax parcel (180.1.3.012.0000, aka Tract 2). Accordingly, Owner/Developer agrees that the property shall be limited to existing uses of the property (including boat, camper and RV parking in the existing area between storage buildings) as reflected on the most recent imagery from the Tax Assessor's Office (attached as Exhibit 1) and to the following permitted uses under the I-1 zoning district: (i) self-storage/mini-warehouses; (ii) U-Haul (and similar) truck and trailer rentals, including sale or rental of moving supplies and equipment. None of the other uses that require I-1 zoning shall be permitted on the Property without approval by the City of Hiram Mayor and Council.
2. Owner/Developer agrees access to the development shall be determined during the plan review process.
3. Owner/Developer agrees to coordinate with the Georgia Department of Transportation on if updating the access permit is required due to land use change.
4. Owner/Developer agrees to meet the requirements of the Corridor Overlay District. Nothing contained in this stipulation shall prevent Owner/Developer from seeking a variance as to one or more of those requirements.
5. Owner/Developer agrees to set back new project improvements from the right of way line being established for PI 621720, Widening and Reconstruction of SR 92 from Nebo Road to East Paulding Middle School.
6. Owner/Developer acknowledges this property is within the mandatory Coppermine Sewer Service Basin. The SR 92 Hiram Sewer Project (in-process) will provide public sewer service to this site.
7. Owner/Developer agrees to relocate public water mains out from under proposed asphalt paving, including acceleration/deceleration lands, if road widening is required by this project.
8. Owner/Developer has submitted an ALTA/ACSM Survey dated February 23, 2011 as a part of its Application, and attached hereto as Exhibit 2. All Existing buildings and improvements that are shown on the Survey shall be permitted to remain on the larger of the two properties (Tract 1); provided, however, Owner/Developer agrees that it shall not be permitted to increase the footprint of any of those buildings on Tract 1 without approval of the City of Hiram. New buildings to be constructed on the smaller parcel (Tract 2) of the property shall be required to meet the I-1 development criteria unless Owner/Developer obtains a variance as to same. No internal setbacks or buffers shall be required between Parcel 1 and Parcel 2.
9. Owner/Developer agrees that no additional stories shall be added to any building on Tract 1.



EXHIBIT 1

 **qPublic.net™** Paulding County, GA



Overview



Legend

-  Parcels
-  Subdivision Names
-  Roads

Date created: 2/27/2023  
Last Data Uploaded: 2/24/2023 8:08:36 PM

Developed by  **Schneider**  
GEOSPATIAL



