

# **PRELIMINARY ZONING ANALYSIS**

**Planning Commission Hearing Date: July 1, 2008**  
**Board of Commissioners Hearing Date: July 15, 2008**

**Due Date: May 23, 2008**

**Date Distributed/Mailed Out: May 6, 2008**



*Cobb County... Expect the Best!*



APPLICANT: Cooke Enterprises, Inc.  
678-797-9797

PETITION NO: Z-29  
HEARING DATE (PC): 07-01-08

REPRESENTATIVE: Sams, Larkin & Huff, LLP  
770-422-7016 Garvis L. Sams, Jr.

HEARING DATE (BOC): 07-15-08  
PRESENT ZONING: OMR

TITLEHOLDER: San-Har, Inc.

PROPOSED ZONING: O&I

PROPERTY LOCATION: Located at the northwest intersection  
of Windy Hill Road and Spectrum Circle

PROPOSED USE: Climate Controlled  
Self Service Storage Facility

ACCESS TO PROPERTY: Spectrum Circle

SIZE OF TRACT: 1.195 acres

PHYSICAL CHARACTERISTICS TO SITE: \_\_\_\_\_

DISTRICT: 17

LAND LOT(S): 919, 920

PARCEL(S): 3

TAXES: PAID X DUE \_\_\_\_\_

COMMISSION DISTRICT: 2

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:
- SOUTH:
- EAST:
- WEST:

**FUTURE LAND USE MAP: Regional Activity Center-Sub Area for High Density Residential**

**OPPOSITION:** NO. OPPOSED \_\_\_\_\_ PETITION NO: \_\_\_\_\_ SPOKESMAN \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

APPROVED \_\_\_\_\_ MOTION BY \_\_\_\_\_

REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

HELD \_\_\_\_\_ CARRIED \_\_\_\_\_

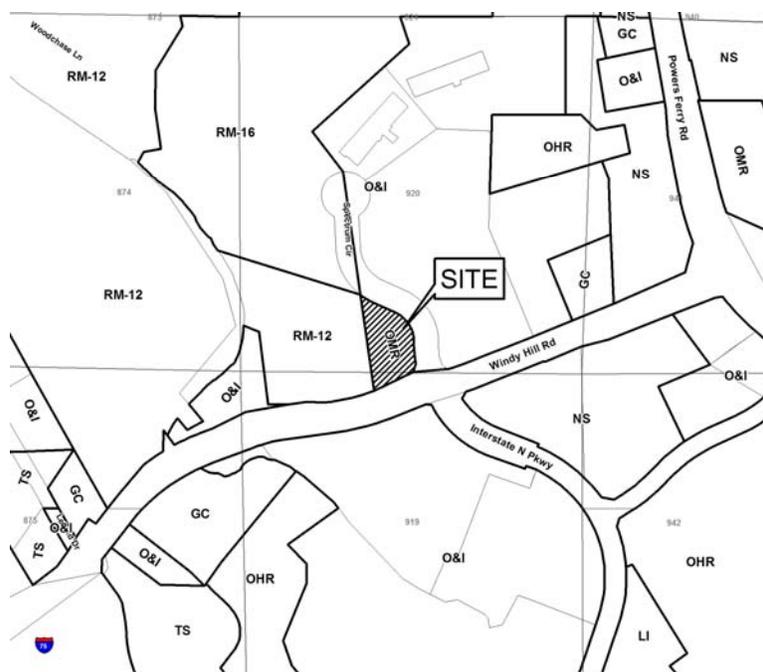
**BOARD OF COMMISSIONERS DECISION**

APPROVED \_\_\_\_\_ MOTION BY \_\_\_\_\_

REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

HELD \_\_\_\_\_ CARRIED \_\_\_\_\_

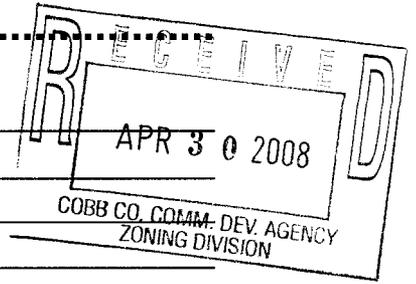
**STIPULATIONS:**



## Summary of Intent for Rezoning\*

.....  
**Part 1. Residential Rezoning Information (attach additional information if needed)**

- a) Proposed unit square-footage(s): \_\_\_\_\_
- b) Proposed building architecture: \_\_\_\_\_
- c) Proposed selling prices(s): \_\_\_\_\_
- d) List all requested variances: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



.....  
**Part 2. Non-residential Rezoning Information (attach additional information if needed)**

- a) Proposed use(s): Climate Controlled Self Service Storage Facility
- b) Proposed building architecture: Four-sided brick with EFIS accents.  
  
Proposed hours/days of operation: The hours of operation shall be from 8:00 a.m. until 6:00 p.m., Monday through Saturday and from 1:00 p.m. until 6:00 p.m. on Sundays.
- c) List all requested variances:
  - 1. A waiver of parking ratio requirements from 35 spaces to 15 spaces.
  - 2. Side setback reduction from 15' to 5' (along substation property).
  - 3. Reduction in road frontage landscape strip from 20' to 10'.
  - 4. Removal of landscape buffer adjacent to residential property on west side (existing electrical substation).

.....  
**Part 3. Other Pertinent Information (List or attach additional information if needed)**

The down zoning of the subject property from Office Midrise (OMR) for purposes of a hotel to Office & Institutional (O&I) for purposes of a Climate Controlled Self Service Storage Facility is appropriate in view of the fact that the subject property is located within the confines of a Regional Activity Center (RAC).  
\_\_\_\_\_  
\_\_\_\_\_

\*The applicant reserves the right to amend the Summary of Intent for Rezoning and the preliminary information provided therein at any time during the rezoning process.



APPLICANT: Dwayne Green  
404-358-2045

PETITION NO: Z-30  
HEARING DATE (PC): 07-01-08

REPRESENTATIVE: Dwayne Green  
404-358-2045

HEARING DATE (BOC): 07-15-08  
PRESENT ZONING: NRC with

TITLEHOLDER: Ronald M. Wilbanks

stipulations  
PROPOSED ZONING: NRC

PROPERTY LOCATION: Located on the south side of Clay Road,  
East of Austell Road

PROPOSED USE: Funeral Home

ACCESS TO PROPERTY: Clay Road

SIZE OF TRACT: .72 acres

PHYSICAL CHARACTERISTICS TO SITE: \_\_\_\_\_

DISTRICT: 19

LAND LOT(S): 1154

PARCEL(S): 54

TAXES: PAID X DUE \_\_\_\_\_

COMMISSION DISTRICT: 4

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:
- SOUTH:
- EAST:
- WEST:

**FUTURE LAND USE MAP: Community Activity Center**

**OPPOSITION:** NO. OPPOSED \_\_\_\_\_ PETITION NO: \_\_\_\_\_ SPOKESMAN \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

APPROVED \_\_\_\_\_ MOTION BY \_\_\_\_\_

REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

HELD \_\_\_\_\_ CARRIED \_\_\_\_\_

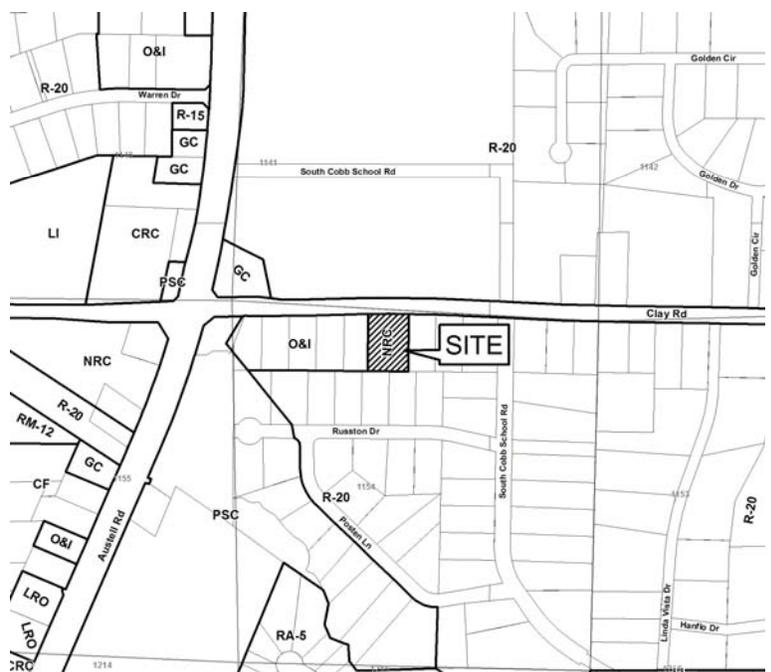
**BOARD OF COMMISSIONERS DECISION**

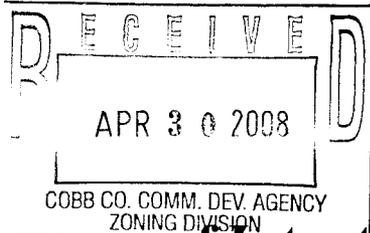
APPROVED \_\_\_\_\_ MOTION BY \_\_\_\_\_

REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

HELD \_\_\_\_\_ CARRIED \_\_\_\_\_

STIPULATIONS:





Application No. Z-30  
2008

# Summary of Intent for Rezoning

.....  
**Part 1. Residential Rezoning Information (attach additional information if needed)**

- a) Proposed unit square-footage(s): \_\_\_\_\_
- b) Proposed building architecture: \_\_\_\_\_
- c) Proposed selling prices(s): \_\_\_\_\_
- d) List all requested variances: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

.....  
**Part 2. Non-residential Rezoning Information (attach additional information if needed)**

- a) Proposed use(s): FUNERAL HOME
- b) Proposed building architecture: EXISTING STRUCTURE
- c) Proposed hours/days of operation: 9 AM to 10 PM
- d) List all requested variances: NONE  
\_\_\_\_\_  
\_\_\_\_\_

.....  
**Part 3. Other Pertinent Information (List or attach additional information if needed)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**APPLICANT:** Aishwarya, Inc.  
770-333-8914

**REPRESENTATIVE:** Mukesh (Mike) Shah  
770-333-8914

**TITLEHOLDER:** Thurston Brown

**PROPERTY LOCATION:** Located on the west side of Floyd Road,  
north of White Boulevard

**ACCESS TO PROPERTY:** Floyd Road

**PHYSICAL CHARACTERISTICS TO SITE:** \_\_\_\_\_

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:**
- SOUTH:**
- EAST:**
- WEST:**

**PETITION NO:** Z-31

**HEARING DATE (PC):** 07-01-08

**HEARING DATE (BOC):** 07-15-08

**PRESENT ZONING:** R-20

**PROPOSED ZONING:** CRC, LI

**PROPOSED USE:** Retail, Self-Service  
Storage Facility

**SIZE OF TRACT:** 2.866 acres

**DISTRICT:** 17

**LAND LOT(S):** 31

**PARCEL(S):** 1

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 4

**FUTURE LAND USE MAP: Low Density Residential**

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

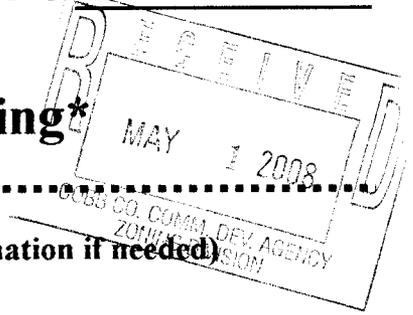
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**



# Summary of Intent for Rezoning\*



.....  
**Part 1. Residential Rezoning Information (attached additional information if needed)**

- a) Proposed unit square-footage(s) N/A
- b) Proposed building architecture: N/A
- c) Proposed selling prices(s): N/A
- d) List all requested variances: N/A

.....  
**Part 2. Non-residential Rezoning Information (attached additional information if needed)**

- a) Proposed unit(s): Shops in Front and Self Service Storage on the Back with Partial Climate Controlled.
- b) Proposed building architecture: Brick and EFIS with Flat roof. An architectural rendering/elevation will be submitted to supplement this statement.
- c) Proposed hours/days of operation: The Shops will operate from 8:00 am until 8:00 pm, Monday – Friday. The hours of operation for the self-service storage facility will be from 8:00 am until 9:00 pm, seven days a week.
- d) List all reported variances: None are anticipated at the time of filing.

.....  
**Part 3. Other Pertinent Information (List or attach additional information if needed)**

The subject property is located next to the Neighborhood Activity Center (NAC). We believe that this type of facility is needed in the community and is the best use of this property due to the following:

1. The next 5-10 years shows a significant growth in population in this area.
2. The nearest self storage facility is 2 miles away from the subject property.
3. Design of the shops and storage facility are aesthetically pleasing which will further enhance the beauty of the area.
4. The layout provides the least impact to the surrounding areas. We have been in the Signs and Storage Business for the last 20 years and we typically see no more than 2 – 3 customers on any given day due to the nature of the business.

Finally, we are a part of the community (Living and Investing in Cobb County for the last 40 years) and living only 1 mile from the Subject Property for the last 15 years. As such, we desire to be good neighbors and want to make sure that our design will add to the beauty fo the area.

Thank you for this opportunity.



**APPLICANT:** Harrison Koger c/o Wendy Butler and Associates, LLC

**PETITION NO:** Z-32

**REPRESENTATIVE:** Wendy Butler  
770-814-4257

**HEARING DATE (PC):** 07-01-08

**HEARING DATE (BOC):** 07-15-08

**TITLEHOLDER:** LN Gordon Road, LLC

**PRESENT ZONING:** PSC

**PROPOSED ZONING:** GC

**PROPERTY LOCATION:** Located on the east side of Mableton Parkway, north of Lynne Circle, and on the south side of Gresham Road, east of Mableton Parkway

**PROPOSED USE:** Flea Market and other commercial uses

**ACCESS TO PROPERTY:** Mableton Parkway, Gresham Road

**SIZE OF TRACT:** 7.98 acres

**DISTRICT:** 18

**PHYSICAL CHARACTERISTICS TO SITE:** \_\_\_\_\_

**LAND LOT(S):** 77, 156

**PARCEL(S):** 9

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 4

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:**

**SOUTH:**

**EAST:**

**WEST:**

**FUTURE LAND USE MAP: Community Activity Center**

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

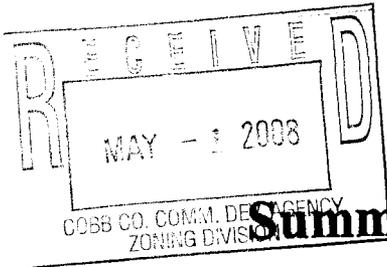
**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**





Application No. Z-32  
2008

# Summary of Intent for Rezoning

.....  
**Part 1. Residential Rezoning Information (attach additional information if needed)**

- a) Proposed unit square-footage(s): NA
  - b) Proposed building architecture: NA
  - c) Proposed selling prices(s): NA
  - d) List all requested variances: NA
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

.....  
**Part 2. Non-residential Rezoning Information (attach additional information if needed)**

- a) Proposed use(s): Flea Market within existing commercial shopping center
  - b) Proposed building architecture: Existing commercial shopping center is brick
  - c) Proposed hours/days of operation: Thursday 11 a.m. - 6:00; Friday 10 a.m. - 7:00 p.m.;  
Saturday 10 a.m. - 7 p.m.; Sunday 11:00 a.m. - 6:00 p.m.
  - d) List all requested variances: None
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

.....  
**Part 3. Other Pertinent Information (List or attach additional information if needed)**

The proposed Flea Market is intended to occupy the anchor tenant  
 \_\_\_\_\_  
 space in the Gordon Village Shopping Center which was previously  
 \_\_\_\_\_  
 utilized as a Freds Department Store prior to space becoming vacant over  
 \_\_\_\_\_  
 one year ago.

See Exhibit "A" for Letter of Intent.  
 JPP



Main: 770-814-4255

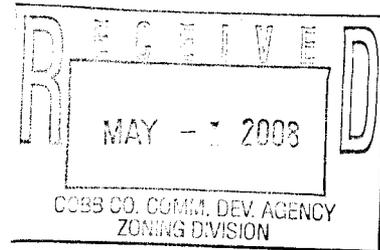
Direct: 770-814-4257

Fax: 770-814-4258

VIA: HAND DELIVERY

April 30, 2008

Mr. Rob Hosack, AICP, Director  
Planning and Zoning Division  
Cobb County Community Development Department  
191 Lawrence Street  
Building E  
Marietta Georgia



IN RE: Letter of Intent for Applications for Rezoning and a Special Use Permit for 7.98 Acre Property located at 6027 Mableton Parkway, Unincorporated Cobb County, Georgia 30126; Tax I.D. 18015600090 (the "Subject Property") to Allow a Flea Market to be Located in an Existing Shopping Center Complex Currently Known as Gordon Road Village

Dear Hosack;

I am writing on behalf of Mr. Harrison Koger, the proposed operator and Applicant as well as the property owner, LN Gordon Road, LLC to submit the following Letter of Intent and materials required to request that the Subject Property be rezoned from Planned Shopping Center (PSC) to General Commercial (GC) with a Special Land Use Permit. The proposed rezoning and Special Use Permit would allow the currently vacant anchor space in the Gordon Road Village Shopping to be used for a Flea Market use. The proposed use is consistent with the development patterns, surrounding zoning classifications and the current Land use Plan designation of Community Activity Center.

The 66,000 square foot existing square foot Gordon Road Village shopping center is the largest shopping center in the area and is anchored by the 23,500 +/- square foot space which was previously operated as a Fred's Department Store prior to becoming vacant as it stands today. Other operators in the Gordon Road Village Shopping Center include a Coin Laundry, Buffalo Wing and Pizza Company, a dentist office, AllState Insurance Company, an Evangelical Church, boxing gym and Bethel One Voice Outreach Ministry.

The site has high visibility along the moderately traveled 4-lane corridor of Mableton Parkway among a variety of similar uses and a mix of PSC, GC, NRC and O&I



Main: 770-814-4255

Direct: 770-814-4257

Fax: 770-814-4258

Zoning classifications. The site is conveniently located within proximity to low to medium density residential development which exists behind each of the commercially zoned properties along Mableton Parkway which are zoned R-20 and RA-5. The proposed use will offer residents and businesses a variety of goods and services at low to moderate prices with the flexibility to forgo commuting to the mall or similar facilities located further away in Marietta or within the Atlanta Metro area. As the anchor tenant and the largest shopping center in the area, the proposed use will encourage the economic viability of the area and offer consumer goods which are not currently available at moderate price points without requiring residences in the area to drive long distances to similar facilities located further away in Marietta.

The proposed use will provide economic activity and mitigate concerns related to public safety which can be associated when business centers remain vacant for extended periods of time. However, the operation of the flea market will have minimal impact on resident's daily commutes due to its limited schedule of operations. The hours of operation will be Thursday (11 a.m. – 6 p.m.), Friday (10 a.m. – 7 p.m.), Saturday (10 a.m. until 7 p.m.) and Sunday (11 a.m. – 6 p.m.).

The following paragraphs will provide a written response and analysis of the Steinberg Criteria serving as a basis to understand the impact of the proposed use which support the requested rezoning to General Commercial (GC) and accompanying Special Use Permit.

(a) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The zoning proposal is consistent with the adjacent and nearby developments, as well as the zoning and land use classifications along Mableton Parkway and will provide the residents in the area a variety of consumer goods without having to drive longer distances to malls or similar facilities in the region.

(b) Whether the zoning proposal will adversely affect the existing use or usability of the adjacent or nearby property;

The proposed rezoning will not adversely affect the existing use or usability of the adjacent or nearby property. The site of the proposed use has been previously operated as a Winn Dixie then a Fred's Department store. This 23,400 +/- square foot anchor space in what is the largest shopping center in the area has been vacant for nearly a year. The proposed use will offer consumer goods not otherwise offered in the area and encourage the continued viability of this commercial area while mitigating safety concerns



Main: 770-814-4255

Direct: 770-814-4257

Fax: 770-814-4258

associated with vacant commercial structure for the nearby residents which it will serve.

(c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

The existing anchor space in the largest retail center in the area has been vacant for over one year. Based on the forgoing, the property owner and its leasing experts have determined that the existing zoning restricts the reasonable economic use of the property and may adversely impact the economic viability of the area.

(d) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities and schools;

The Subject Property has been developed as a large commercial shopping center for many years. In light of the limited hours of operation, the proposed use will not result in excessive or burdensome use of existing streets, transportation facilities or utilities and will only positively impact the school system by providing tax revenues without adding students.

(e) Whether the zoning proposal is in conformity with the policy and intent of the land use plan; and

The proposed use is consistent with the Community Activity Center Land Use designation for this property and the area. The flea market is designed to serve the immediate needs of the neighborhoods and businesses in the area by offering a variety of goods at a low to moderate price range and will assist in maintaining the economic sustainability of this area.

(f) Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.

The closure of the previous commercial retail operators, Winn Dixie and then Fred's Department store in the anchor space of what is the largest shopping center in the area and continued vacancy of this space with no ability to lease it under the current zoning designation provide existing and changing conditions which support the approval of the zoning proposal.



Main: 770-814-4255

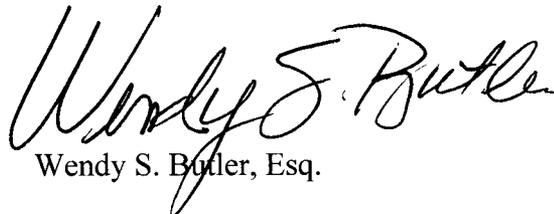
Direct: 770-814-4257

Fax: 770-814-4258

We look forward to working with the Cobb County Community Development Department, the businesses and residents in the area and the District Commissioner Annette Kesting on the proposed rezoning and Special Use Permit request. Should you have any question, feel free to contact me at the numbers above or on my cell phone at 404-583-2255.

With Best regards, I am

Very Truly,

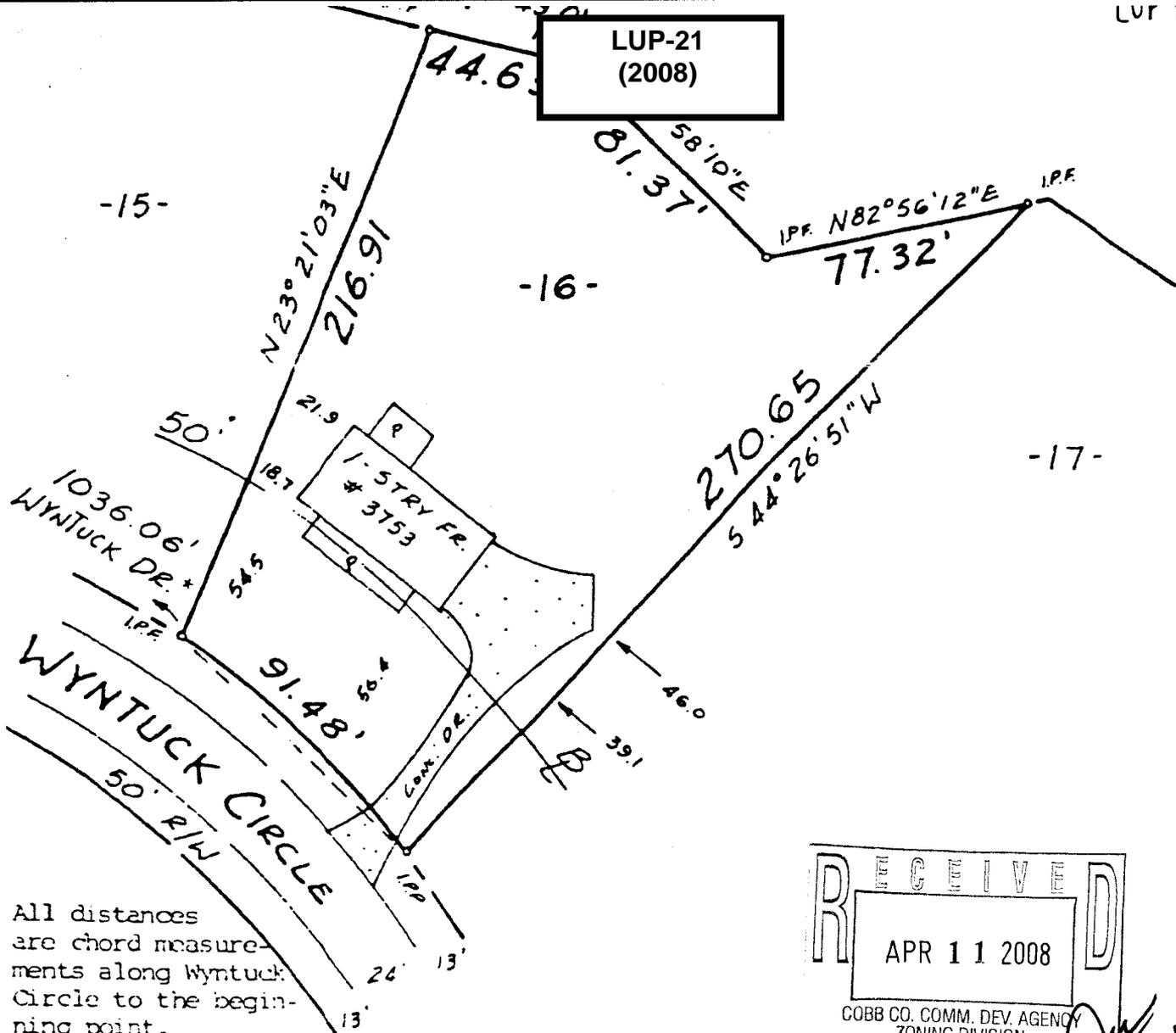


Wendy S. Butler, Esq.

Encls.

Cc: Lee Najjar, LN Gordon Road LLC, w/encl.  
Harrison Koger, Koger Enterprises, w/encl.  
Sam Hale, Brown Realty Advisors, w/encl.  
Mike Jacobs, Esq. w/encl.

LUP-21  
(2008)



All distances are chord measurements along Wyntuck Circle to the beginning point.

RECEIVED  
 APR 11 2008  
 COBB CO. COMM. DEV. AGENCY  
 ZONING DIVISION



Survey for FULTON FEDERAL SAVINGS & LOAN ASSOCIATION  
 And THOMAS M. HUNT & ERIN L. DRISCOLL HUNT  
 Of property at 3753 Wyntuck Circle  
 Lot 16, Due West Station Subdivision, Unit 3, PB-77, Page 64  
 and Lot 258, 20th District, 2nd Section, Cobb County, Georgia

Date: 5/31/83 Scale 1" = 50'

THIS PROPERTY (IS) IS NOT LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY "FIA OFFICIAL FLOOD HAZARD MAPS"

In my opinion, this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law

BY ESTON PENDLEY & ASSOC., INC. REGISTERED LAND SURVEYORS

*Eston Pendley*  
 Member SAMSOG

APPLICANT: Erin O'Driscoll  
770-428-5021

REPRESENTATIVE: Erin O'Driscoll  
770-428-5021

TITLEHOLDER: Erin L. O'Driscoll

PROPERTY LOCATION: Located on the north side of Wyntuck Circle, north of Wyntuck Drive (3753 Wyntuck Circle).

ACCESS TO PROPERTY: Wyntuck Circle

PHYSICAL CHARACTERISTICS TO SITE: \_\_\_\_\_

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:**

**SOUTH:**

**EAST:**

**WEST:**

PETITION NO: LUP-21

HEARING DATE (PC): 07-01-08

HEARING DATE (BOC): 07-15-08

PRESENT ZONING: R-20

PROPOSED ZONING: Land Use Permit  
(renewal)

PROPOSED USE: Child Care

SIZE OF TRACT: .5 acre

DISTRICT: 20

LAND LOT(S): 258

PARCEL(S): 73

TAXES: PAID X DUE \_\_\_\_\_

COMMISSION DISTRICT: 1

**FUTURE LAND USE MAP: Very Low Density Residential**

**OPPOSITION:** NO. OPPOSED \_\_\_\_\_ PETITION NO: \_\_\_\_\_ SPOKESMAN \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

APPROVED \_\_\_\_\_ MOTION BY \_\_\_\_\_

REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

HELD \_\_\_\_\_ CARRIED \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

APPROVED \_\_\_\_\_ MOTION BY \_\_\_\_\_

REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

HELD \_\_\_\_\_ CARRIED \_\_\_\_\_

**STIPULATIONS:**



LOWERSOURCE, INC.  
 1000 INDEPENDENCE AVENUE, SUITE 100  
 FORT WORTH, TEXAS 76104  
 PHONE: 817.339.9900  
 FAX: 817.339.9900

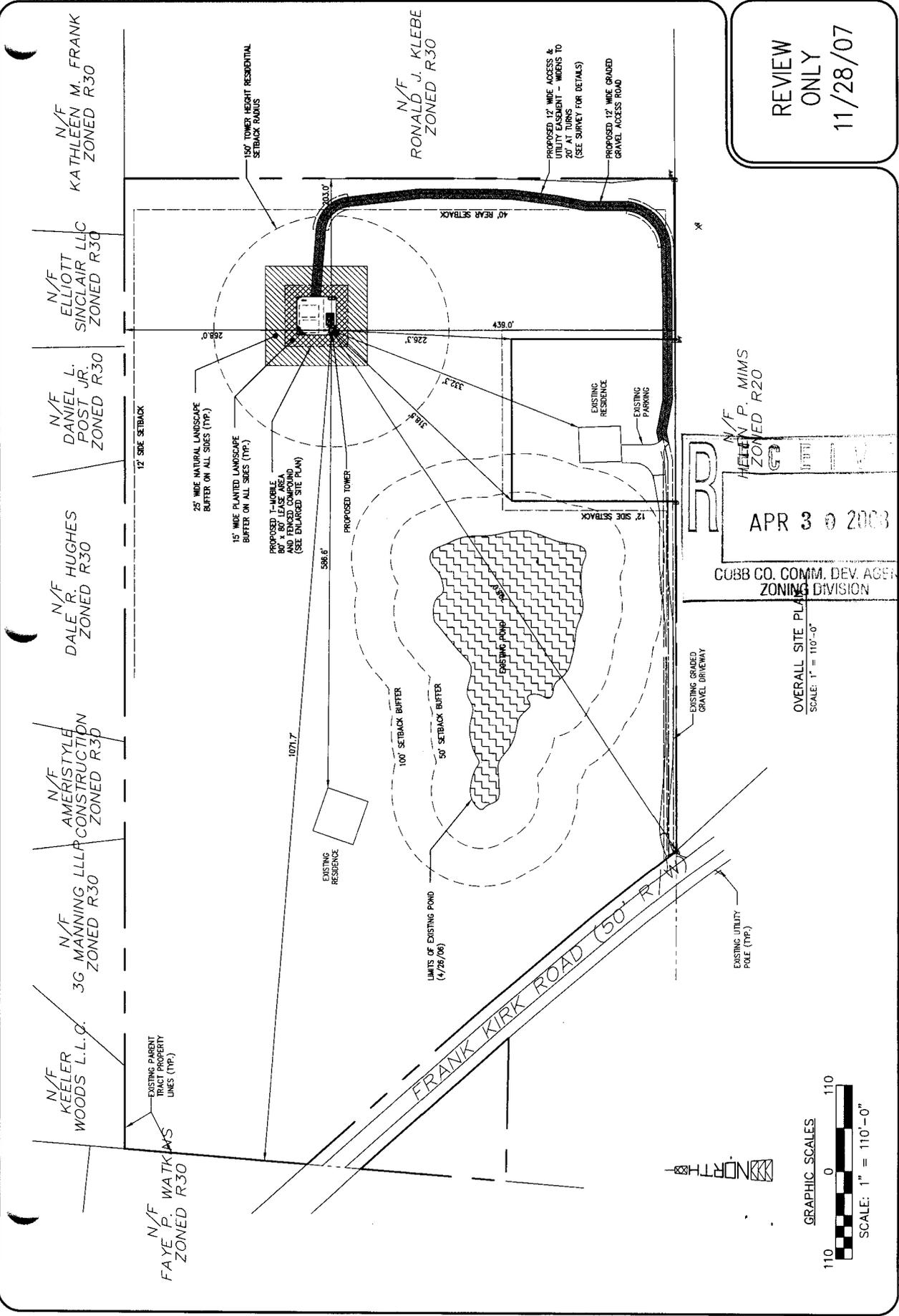
NUM	DATE	DESCRIPTION
A	11/12/07	ISSUED FOR REVIEW
B	01/21/07	ISSUED FOR ZONING
C		
D		
E		

T087

**SLUP-7  
(2008)**

OVERALL SITE PLAN  
 SITE NAME: FRANK KIRK  
 SITE NO: 9A11205A

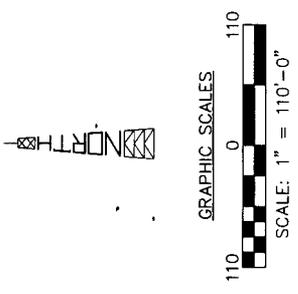
2-1



REVIEW ONLY  
 11/28/07

APR 30 2008  
 COBB CO. COMM. DEV. AGENCY  
 ZONING DIVISION

OVERALL SITE PLAN  
 SCALE: 1" = 110'-0"



N/F KATHLEEN M. FRANK ZONED R30

N/F ELLIOTT SINCLAIR LLC ZONED R30

N/F DANIEL L. POST JR. ZONED R30

N/F DALE R. HUGHES ZONED R30

N/F AMERISTYLE CONSTRUCTION ZONED R30

N/F MANNING L.L.C. ZONED R30

N/F KELLER WOODS L.L.C.

N/F FAYE P. WATKINS ZONED R30

N/F RONALD J. KLEBE ZONED R30

N/F HELEN P. MIMS ZONED R20

**APPLICANT:** Mitrix Inc., for T-Mobile South, LLC  
404-441-3602

**REPRESENTATIVE:** Saran Marshall  
770-717-9120

**TITLEHOLDER:** Charles Sullivan, Ronnie and Lisa Sullivan

**PROPERTY LOCATION:** Located on the east side of Frank Kirk Road, south of Kennesaw Due West Road

**ACCESS TO PROPERTY:** Frank Kirk Road

**PHYSICAL CHARACTERISTICS TO SITE:** \_\_\_\_\_

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:**
- SOUTH:**
- EAST:**
- WEST:**

**PETITION NO:** SLUP-7

**HEARING DATE (PC):** 07-01-08

**HEARING DATE (BOC):** 07-15-08

**PRESENT ZONING:** R-30

**PROPOSED ZONING:** Special Land Use  
Permit

**PROPOSED USE:** 150-foot  
telecommunications towers and equipment

**SIZE OF TRACT:** 17.2 acres

**DISTRICT:** 20

**LAND LOT(S):** 255

**PARCEL(S):** 5, 96

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 1

**FUTURE LAND USE MAP: Low Density Residential**

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

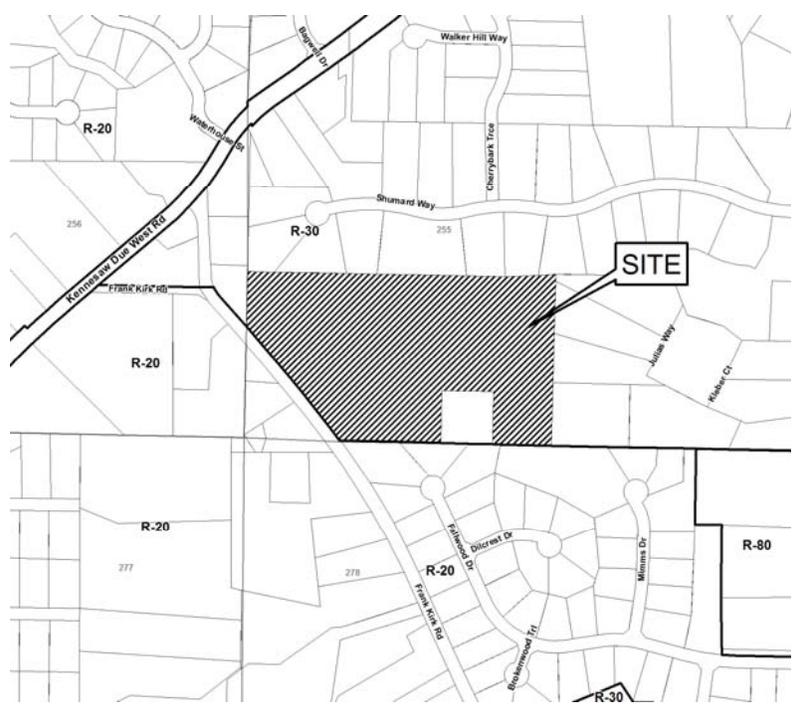
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**





April 17, 2007

**By Hand Delivery**

Mr. Jason Campbell  
Senior Planner  
Cobb County Community Development Department  
191 Lawrence Street,  
Marietta, GA 30132

RE: Special Use Application – 962 Frank Kirk Road, Kennesaw, GA 30152  
#20-0255-0-005 consisting of approximately 17.2 Acres. Purpose: Development of a  
Wireless Telecommunications Facility; Applicant: T-Mobile South, LLC. “T-Mobile”

Dear Mr. Campbell:

This letter is being written in tandem with a completed Special Use Permit Application requesting approval to construct and operate a wireless telecommunications facility on the above referenced parcel. The purpose of this facility is to provide safe, reliable uninterrupted wireless telecommunication service to the citizens of Cobb County who happen to be T-Mobile customers in the area near Kennesaw Due West Road and Frank Kirk Road. {See attached Search Area Map – Exhibit A (Section 4)}. T-Mobile initiated its search for a suitable antenna placement within this area by first attempting to collocate on an existing tower structure. At present, there are no existing or planned tower structures in or around the search area that would satisfy the coverage objective and T-Mobile’s obligation to the citizens of Cobb County. The closest tower facility is approximately 1.45 miles northeast of the area {Exhibit B (Section 4)} and already contains T-Mobile’s antennas and transmitting equipment.

**Site Selection Process**

T-Mobile’s Radio Frequency Engineering Division studied the immediate area of Kennesaw Due West Road (between Acworth Due West Rd to the south and Stilesboro Road to the north) and Burnt Hickory Road (between Acworth Due West Rd to the west and New Salem Rd to the east) - the “coverage objective” - to determine where a facility would need to be located in order to adequately address that targeted area. The limits of this search area were defined by a ring of approximately 0.303 miles from the intersection of Kennesaw Due West Road and Frank Kirk Road [Exhibit A (Section 4)]. A search for any existing tower facilities or tall structures capable of accommodating T-Mobile’s antennas and equipment was conducted. It was found that these structures were not present in that area. At present, there are no existing or planned facilities within 1 mile of the proposed facility. The closest facility is approximately 1.45 miles northeast of

the center of the search area. Following, a search for non-residentially zoned properties that would best comply with the requirements of the Cobb County zoning ordinance was also conducted. We found that the entire search area is of the R-20 (Single Family Residential) District. There were no non-residentially zoned properties within or near the search area. The closest non-residential district is approximately 1.25 miles southwest of the search area {Exhibits B.1 and C (Section 4)}. A search for other non-residentially used property was then conducted; however none was available within the search area. A portion of the search area consists of planned subdivisions with established single-family residential communities. Next, a search for large properties that would offer the best elevation and screening with the least impact to the surrounding properties was conducted. Several parcels were identified; however in many cases several of them would still not satisfy the minimum setback requirements and others were either in the process of being sold or had disinterested property owners who were not willing to lease a portion of their property to T-Mobile. Of those properties evaluated, parcel 005 had sufficient lot size and the owner was willing to consider the placement of a telecommunication facility on the property. This property is partially wooded with dense mature vegetation in some areas which provide a natural buffer that would effectively screen the proposed location of the facility. Additionally, the selected property has adequate elevation and would satisfy the coverage objective based on RF engineer review.

**Parcel Description:**

The site is an irregular shaped parcel consisting of approximately 17 acres. The parcel is zoned R-30 and is bounded by the same zoning district on all sides. However, those adjoining parcels are much smaller. There are residential structures on the north, east and west sides of the parcel. The southern portion of the parcel adjoins property that is currently under site development for single family residential development. All adjoining properties are buffered by at least 173 feet of dense mature vegetation between the proposed site and their property lines. The subject property currently occupies the residence of the property owner which is located approximately 587 feet from the proposed facility. Adjacent, to the south is a separate parcel that accommodates a portion of the access to the site. The proposed facility is approximately 332 feet from that residence on the south side. The topography is generally level with just a gentle slope extending from Frank Kirk Road approximately 500 feet in an easterly direction toward the rear of the property. T-Mobile selected the undeveloped portion of the parcel for placement of the facility primarily because it is large enough to meet the development requirements of Cobb County's ordinance and can accommodate placement of the facility with less obtrusion to the surrounding community.

**Facility Description:**

The facility will consist of a 150-foot "pine tree" like telecommunications facility structure designed to accommodate T-Mobile and two other wireless service providers that offer similar telecommunication services. The tower structure will be accompanied by transmitting equipment mounted on a concrete pad area on the ground contained within a 50'x 50' fenced compound. The compound fencing will be composed of decay resistant material, a minimum of six feet in height and contain anti-climbing devices. The

facility will be strategically placed in an area approximately 1,071 feet east of Frank Kirk Road. An existing gravel road extending from Frank Kirk Road in an easterly direction will provide access to the site. When completed the facility will be unmanned and will not utilize county water or sewer facilities. Traffic will be limited to monthly visits by service personnel. The development plan will seek to preserve the maximum number of existing trees to buffer the site from view.

#### **Need for the Proposed Facility:**

T-Mobile's RF engineers have carefully evaluated the coverage objective to determine where a facility would need to be placed in order to properly address service deficiencies. Utilizing existing facilities and structures is always the very first option before a decision is made to build a new facility. This is evident based on T-Mobile's inventory of wireless facilities in Cobb County. As shown on T-Mobile's inventory of existing sites, more than 91% of T-Mobile's facilities are collocations. Additionally, all sites surrounding our coverage objective are collocations. The attached RF letter with associated maps and coverage plots, with and without the proposed site, was submitted with the application materials. These documents further justify the need for the proposed facility based on existing coverage deficiencies within the coverage objective. Careful review of the submitted coverage plots shows that the proposed site is properly spaced between the existing active sites which would help establish a more efficient and effective network design. This will allow T-Mobile to meet current demands for reliable, uninterrupted wireless PCS service in this portion of Cobb County. Studies show that mobile phone usage in the home increased from 6% of all minutes in 1999 to **27% in 2006**. Recent data from T-Mobile identified the quantity of emergency calls recorded from those sectors of the antenna on surrounding active sites that are directed to our coverage objective. It is recorded that **3,642** E911 calls were processed on just those antennas from April 1 to May 31, 2007. Site 9AT0091 alone processed **1,758** of those calls - in a 61 day period, an average of more than 30 calls a day from ONE site. These emergency calls will not be transmitted if they are made in areas where there is currently no service. This shows the direct impact that wireless PCS coverage has on personal and public safety.

#### **Zoning Considerations:**

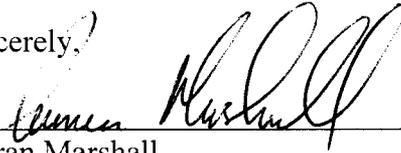
In accordance with section 134-273 of the Cobb County Code, the proposed development adheres to the following standards:

*Setbacks: Section 6e-4. All towers in excess of 70 feet must be setback a distance equal to the full height of the tower from any adjoining off-site residential structure or as safety concerns may dictate. **The proposed facility is located approximately 203 feet from the closest property line, which exceeds the distance requirement for the 150' facility. The closest residential structure is approximately 332 feet south of the property. The proposed setbacks greatly exceed the requirement.***

In conclusion, T-Mobile has selected this site and carefully designed the facility to comply with the provisions of the Cobb County zoning ordinance. Specifically, T-Mobile wishes to highlight the following: The parcel is zoned R-30 which allows the construction of telecommunications facilities. The tower placement on the site complies with the specific setback provisions of the Cobb County ordinance being situated at least 203 feet from the closest property line and 795 feet from the public rights-of-way. Finally, the tower's design for multiple uses will limit the need for additional towers in the area.

In light of its compliance with all the provisions of the Cobb County ordinance, T-Mobile South, LLC respectfully requests that the Cobb County Planning Board of Commissioners approve its application as submitted.

Sincerely,



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Sarran Marshall  
Zoning & Permitting Specialist  
Mittrix, Inc. – for T-Mobile South, LLC

SDM: enclosures



**APPLICANT:** Harrison Koger c/o Wendy Butler and Associates, LLC

**PETITION NO:** SLUP-8

**REPRESENTATIVE:** Wendy Butler  
770-814-4257

**HEARING DATE (PC):** 07-01-08

**HEARING DATE (BOC):** 07-15-08

**TITLEHOLDER:** LN Gordon Road, LLC

**PRESENT ZONING:** PSC

**PROPOSED ZONING:** SLUP

**PROPERTY LOCATION:** Located on the east side of Mableton Parkway, north of Lynne Circle, and on the south side of Gresham Road, east of Mableton Parkway

**PROPOSED USE:** Flea Market

**ACCESS TO PROPERTY:** Mableton Parkway, Gresham Road

**SIZE OF TRACT:** 7.98 acres

**DISTRICT:** 18

**PHYSICAL CHARACTERISTICS TO SITE:** \_\_\_\_\_

**LAND LOT(S):** 77, 156

**PARCEL(S):** 9

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 4

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:**

**SOUTH:**

**EAST:**

**WEST:**

**FUTURE LAND USE MAP: Community Activity Center**

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**





Main: 770-814-4255

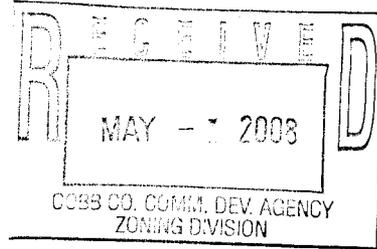
Direct: 770-814-4257

Fax: 770-814-4258

VIA: HAND DELIVERY

April 30, 2008

Mr. Rob Hosack, AICP, Director  
Planning and Zoning Division  
Cobb County Community Development Department  
191 Lawrence Street  
Building E  
Marietta Georgia



IN RE: Letter of Intent for Applications for Rezoning and a Special Use Permit for 7.98 Acre Property located at 6027 Mableton Parkway, Unincorporated Cobb County, Georgia 30126; Tax I.D. 18015600090 (the "Subject Property") to Allow a Flea Market to be Located in an Existing Shopping Center Complex Currently Known as Gordon Road Village

Dear Hosack;

I am writing on behalf of Mr. Harrison Koger, the proposed operator and Applicant as well as the property owner, LN Gordon Road, LLC to submit the following Letter of Intent and materials required to request that the Subject Property be rezoned from Planned Shopping Center (PSC) to General Commercial (GC) with a Special Land Use Permit. The proposed rezoning and Special Use Permit would allow the currently vacant anchor space in the Gordon Road Village Shopping to be used for a Flea Market use. The proposed use is consistent with the development patterns, surrounding zoning classifications and the current Land use Plan designation of Community Activity Center.

The 66,000 square foot existing square foot Gordon Road Village shopping center is the largest shopping center in the area and is anchored by the 23,500 +/- square foot space which was previously operated as a Fred's Department Store prior to becoming vacant as it stands today. Other operators in the Gordon Road Village Shopping Center include a Coin Laundry, Buffalo Wing and Pizza Company, a dentist office, AllState Insurance Company, an Evangelical Church, boxing gym and Bethel One Voice Outreach Ministry.

The site has high visibility along the moderately traveled 4-lane corridor of Mableton Parkway among a variety of similar uses and a mix of PSC, GC, NRC and O&I



Main: 770-814-4255

Direct: 770-814-4257

Fax: 770-814-4258

Zoning classifications. The site is conveniently located within proximity to low to medium density residential development which exists behind each of the commercially zoned properties along Mableton Parkway which are zoned R-20 and RA-5. The proposed use will offer residents and businesses a variety of goods and services at low to moderate prices with the flexibility to forgo commuting to the mall or similar facilities located further away in Marietta or within the Atlanta Metro area. As the anchor tenant and the largest shopping center in the area, the proposed use will encourage the economic viability of the area and offer consumer goods which are not currently available at moderate price points without requiring residences in the area to drive long distances to similar facilities located further away in Marietta.

The proposed use will provide economic activity and mitigate concerns related to public safety which can be associated when business centers remain vacant for extended periods of time. However, the operation of the flea market will have minimal impact on resident's daily commutes due to its limited schedule of operations. The hours of operation will be Thursday (11 a.m. – 6 p.m.), Friday (10 a.m. – 7 p.m.), Saturday (10 a.m. until 7 p.m.) and Sunday (11 a.m. – 6 p.m.).

The following paragraphs will provide a written response and analysis of the Steinberg Criteria serving as a basis to understand the impact of the proposed use which support the requested rezoning to General Commercial (GC) and accompanying Special Use Permit.

(a) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The zoning proposal is consistent with the adjacent and nearby developments, as well as the zoning and land use classifications along Mableton Parkway and will provide the residents in the area a variety of consumer goods without having to drive longer distances to malls or similar facilities in the region.

(b) Whether the zoning proposal will adversely affect the existing use or usability of the adjacent or nearby property;

The proposed rezoning will not adversely affect the existing use or usability of the adjacent or nearby property. The site of the proposed use has been previously operated as a Winn Dixie then a Fred's Department store. This 23,400 +/- square foot anchor space in what is the largest shopping center in the area has been vacant for nearly a year. The proposed use will offer consumer goods not otherwise offered in the area and encourage the continued viability of this commercial area while mitigating safety concerns



Main: 770-814-4255

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associated with vacant commercial structure for the nearby residents which it will serve.

(c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

The existing anchor space in the largest retail center in the area has been vacant for over one year. Based on the forgoing, the property owner and its leasing experts have determined that the existing zoning restricts the reasonable economic use of the property and may adversely impact the economic viability of the area.

(d) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities and schools;

The Subject Property has been developed as a large commercial shopping center for many years. In light of the limited hours of operation, the proposed use will not result in excessive or burdensome use of existing streets, transportation facilities or utilities and will only positively impact the school system by providing tax revenues without adding students.

(e) Whether the zoning proposal is in conformity with the policy and intent of the land use plan; and

The proposed use is consistent with the Community Activity Center Land Use designation for this property and the area. The flea market is designed to serve the immediate needs of the neighborhoods and businesses in the area by offering a variety of goods at a low to moderate price range and will assist in maintaining the economic sustainability of this area.

(f) Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.

The closure of the previous commercial retail operators, Winn Dixie and then Fred's Department store in the anchor space of what is the largest shopping center in the area and continued vacancy of this space with no ability to lease it under the current zoning designation provide existing and changing conditions which support the approval of the zoning proposal.



Main: 770-814-4255

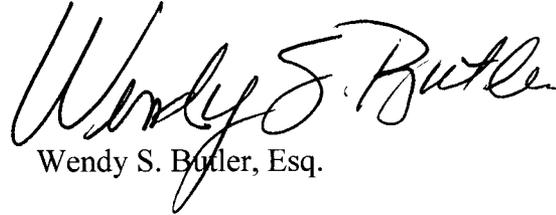
Direct: 770-814-4257

Fax: 770-814-4258

We look forward to working with the Cobb County Community Development Department, the businesses and residents in the area and the District Commissioner Annette Kesting on the proposed rezoning and Special Use Permit request. Should you have any question, feel free to contact me at the numbers above or on my cell phone at 404-583-2255.

With Best regards, I am

Very Truly,



Wendy S. Butler, Esq.

Encls.

Cc: Lee Najjar, LN Gordon Road LLC, w/encl.  
Harrison Koger, Koger Enterprises, w/encl.  
Sam Hale, Brown Realty Advisors, w/encl.  
Mike Jacobs, Esq. w/encl.



**APPLICANT:** St. Benedict's Episcopal Church, LLC  
678-279-4300

**REPRESENTATIVE:** Moore Ingram Johnson & Steele, LLP  
John H. Moore 770-429-1499

**TITLEHOLDER:** Cooper Lake Investments, LLC

**PROPERTY LOCATION:** Located on the west side of South Atlanta Road and on the east side of West Atlanta Road, south of Daniel Street.

**ACCESS TO PROPERTY:** South Atlanta Road and West Atlanta Road

**PHYSICAL CHARACTERISTICS TO SITE:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PETITION NO:** SLUP-9

**HEARING DATE (PC):** 07-01-08

**HEARING DATE (BOC):** 07-15-08

**PRESENT ZONING:** O&I

**PROPOSED ZONING:** SLUP

**PROPOSED USE:** Private School

**SIZE OF TRACT:** 3.553 acres

**DISTRICT:** 17

**LAND LOT(S):** 694, 695

**PARCEL(S):** 2, 3, 4

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 2

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:**

**SOUTH:**

**EAST:**

**WEST:**

**FUTURE LAND USE MAP: High Density Residential**

**OPPOSITION: NO. OPPOSED** \_\_\_\_\_ **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

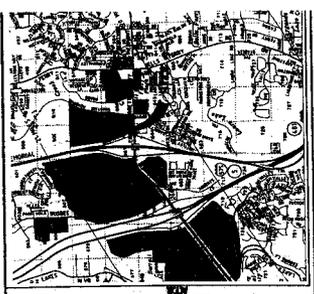
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**



**SLUP-10  
(2008)**

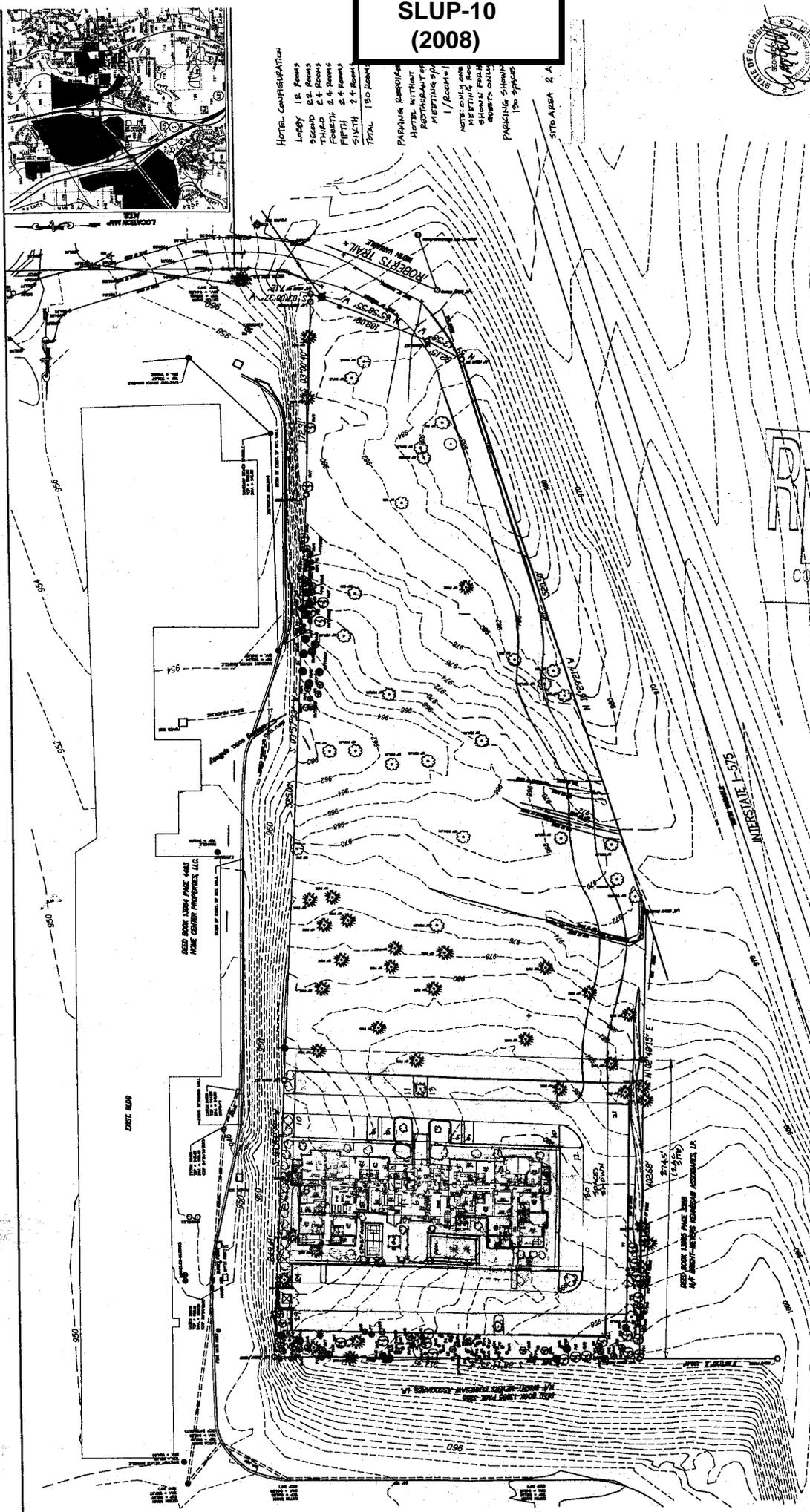
HOTEL CONFIGURATION:  
 Lobby 18 Rooms  
 Second 22 Rooms  
 Third 22 Rooms  
 Fourth 22 Rooms  
 Fifth 22 Rooms  
 Sixth 22 Rooms  
 Total 130 Rooms  
 PARADE RESTAURANT  
 HOTEL WITHIN  
 RESTAURANT TO  
 RESTAURANT TO  
 1/2 ROOMS  
 NOTE: ONLY ONE  
 RESTAURANT ROOM  
 SHOWS ONLY  
 CENTERING  
 PARKING SPACES  
 120 SPACES  
 SITE AREA 2.4



SCALE 1"=40'

5-1-08  
SHEET NO.

**RECEIVED**  
 MAY - 1 2008  
 COBB CO. COMM. DEV. AGENCY  
 ZONING DIVISION



- NOTES:
1. TOTAL AREA = 547AC.
  2. THIS PROPERTY LIES WITHIN ONE (1) OF THE 100' FLOOD ZONE AS PER COBB COUNTY FLOOD MAP, NO. 13067C D03P.
  3. REFERENCE BOUNDARY SURVEY DONE MANGIR ENGINEERING, INC. DATED 8-30-07

**STAYBRIDGE  
 SUITES HOTEL  
 KENNESAW, GA**

PARADISE GROUP

**APPLICANT:** Paradise Group Kennesaw, Inc.  
678-923-8226

**REPRESENTATIVE:** Sams, Larkin & Huff, LLP  
Garvis L. Sams, Jr. 770-422-7016

**TITLEHOLDER:** Cherry Hill Investments, LLC

**PROPERTY LOCATION:** Located on the north side of Roberts Trail, west of Chastain Meadows Parkway, and on the eastern side of Interstate 575, north of Barrett Parkway

**ACCESS TO PROPERTY:** Roberts Trail

**PHYSICAL CHARACTERISTICS TO SITE:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:**
- SOUTH:**
- EAST:**
- WEST:**

**FUTURE LAND USE MAP: Regional Activity Center- Sub Area Office**

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**

**PETITION NO:** SLUP-10  
**HEARING DATE (PC):** 07-01-08  
**HEARING DATE (BOC):** 07-15-08  
**PRESENT ZONING:** OMR

**PROPOSED ZONING:** Special Land Use Permit

**PROPOSED USE:** Suite Hotel

**SIZE OF TRACT:** 2 acres

**DISTRICT:** 16

**LAND LOT(S):** 581

**PARCEL(S):** 7, 11

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 3

