

PRELIMINARY ZONING ANALYSIS

Planning Commission Hearing Date: October 5, 2010
Board of Commissioners Hearing Date: October 19, 2010

Due Date: August 27, 2010

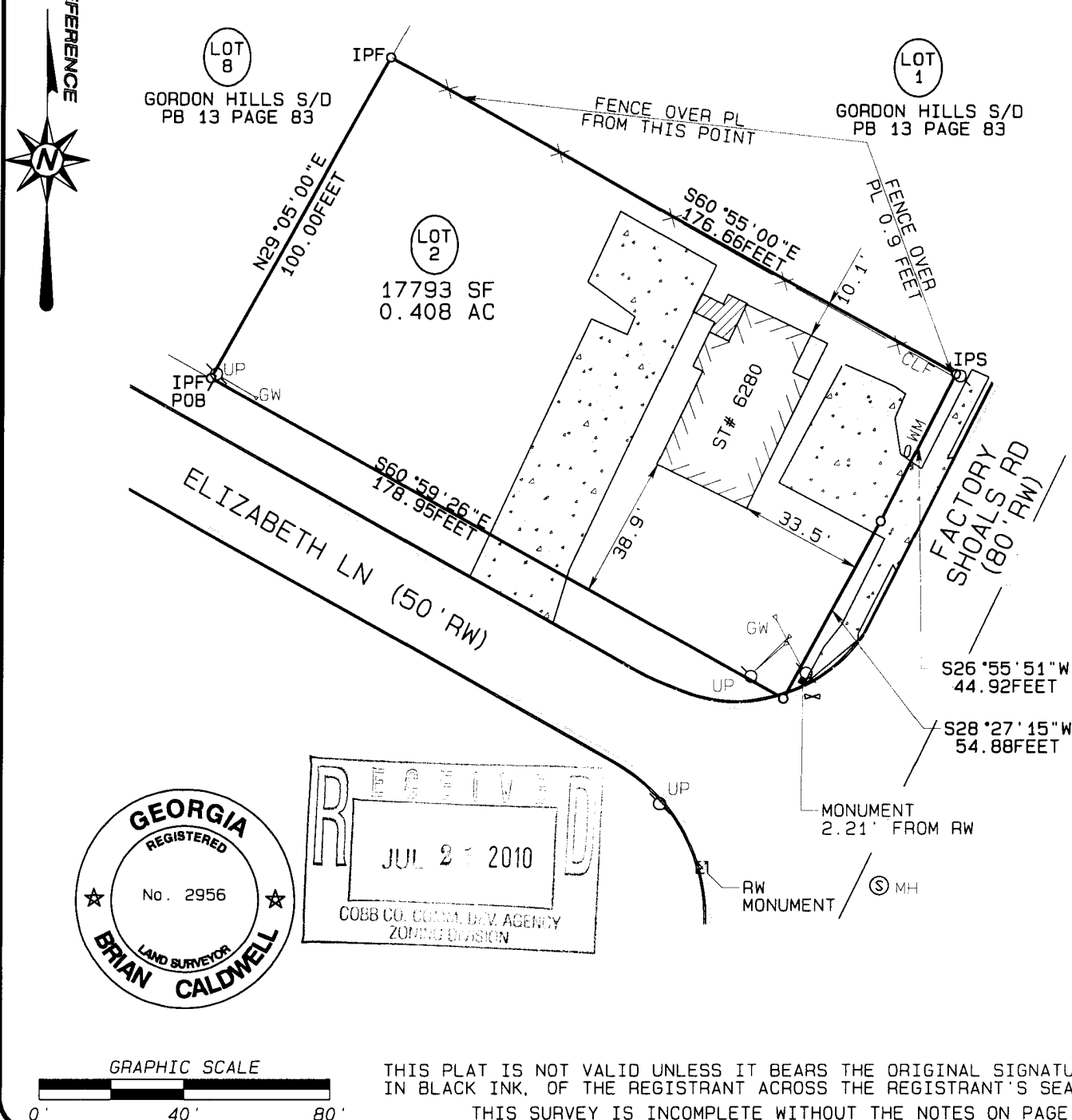
Date Distributed/Mailed Out: August 11, 2010



Cobb County...Expect the Best!

Z-26
(2010)

DEED REFERENCE
NORTH



SHEET
2 OF
2

DATE: 11-27-2009
SCALE: 1"=40'
JOB#FACTORY6280
DRAWN BY BAC

SURVEY FOR
DANIEL ESCOBAR TORRES

BEING
6280 FACTORY SHOALS RD

LOCATED IN
LANDLOT 190
DISTRICT 18, SECTION 2
COBB COUNTY, GEORGIA

Compass Surveying, Inc.

9337 Meadow Gate Lane
Jonesboro, Georgia 30236
Tel 770-478-2679
Fax 1-866-476-4318

THIS PLAT IS FOR THE EXCLUSIVE USE OF DANIEL ESCOBAR
TORRES, USE BY THIRD PARTIES IS AT THEIR OWN RISK

APPLICANT: Daniel S. Escobar-Torres

678-360-0907

REPRESENTATIVE: Daniel Escobar

678-360-0907

TITLEHOLDER: Daniel S. Escobar

PROPERTY LOCATION: Located at the northwesterly intersection
of Factory Shoals Road and Elizabeth Lane.

ACCESS TO PROPERTY: Factory Shoals Road, Elizabeth Lane

PHYSICAL CHARACTERISTICS TO SITE: _____

CONTIGUOUS ZONING/DEVELOPMENT

PETITION NO: Z-26

HEARING DATE (PC): 10-05-10

HEARING DATE (BOC): 10-19-10

PRESENT ZONING: OI

PROPOSED ZONING: R-15

PROPOSED USE: Single Family House

SIZE OF TRACT: 0.408 acre

DISTRICT: 18

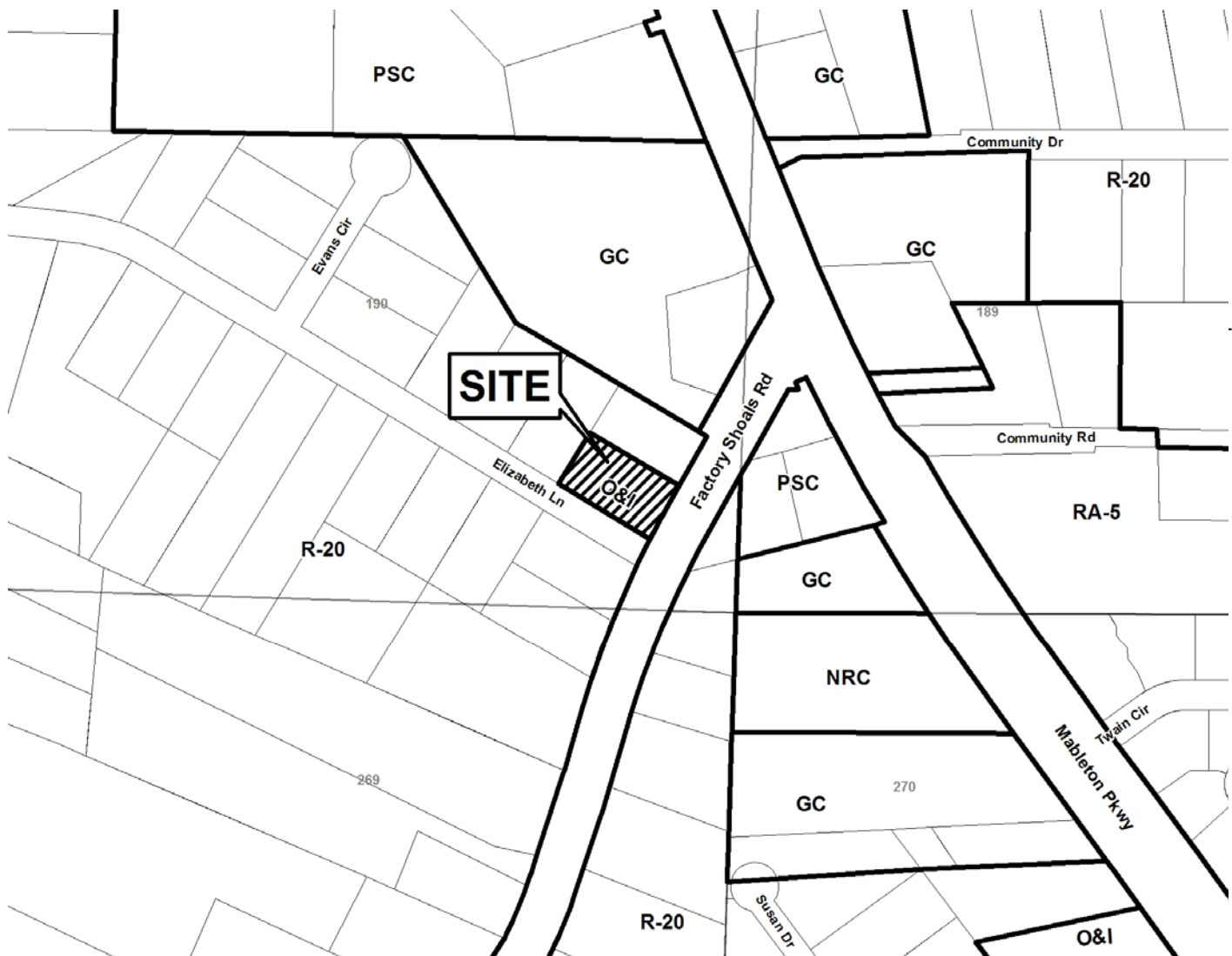
LAND LOT(S): 190

PARCEL(S): 23

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

Future Land Use Map: Neighborhood Activity Center



APPLICANT: John Carlisle

678-600-5956

REPRESENTATIVE: John Carlisle

678-600-5956

TITLEHOLDER: James L. Roberts

PROPERTY LOCATION: Located on the west side of Canton Road,
north of Jamerson Road and on the north side of Cobb Cherokee
Industrial Drive (private road).

ACCESS TO PROPERTY: Canton Road

PHYSICAL CHARACTERISTICS TO SITE: _____

PETITION NO: Z-27

HEARING DATE (PC): 10-05-10

HEARING DATE (BOC): 10-19-10

PRESENT ZONING: GC

PROPOSED ZONING: LI

PROPOSED USE: Diesel Repair Shop

SIZE OF TRACT: 0.852 acre

DISTRICT: 16

LAND LOT(S): 60

PARCEL(S): 6

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

Future Land Use Map: Neighborhood Activity Center



Application No. Z-27

for Oct.
2010

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 3600
- b) Proposed building architecture: metal
- 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): addition to already existing
diesel repair shop
- b) Proposed building architecture: metal to match existing
- c) Proposed hours/days of operation: M-F 8-5
- d) List all requested variances: _____
- _____
- _____
- _____

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

3600 sq ft addition to existing diesel repair shop.
Business will continue as it has since 2004 with
no adverse effect to the surrounding community or neighbors.

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

NO

Z-28
(2010)



Green Street Properties



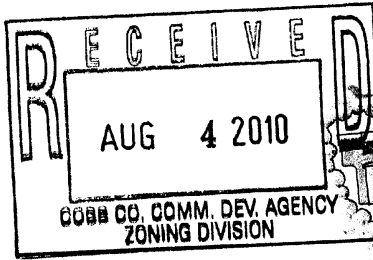
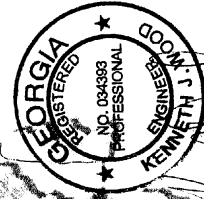
Jamestown Properties



Marthasville Development

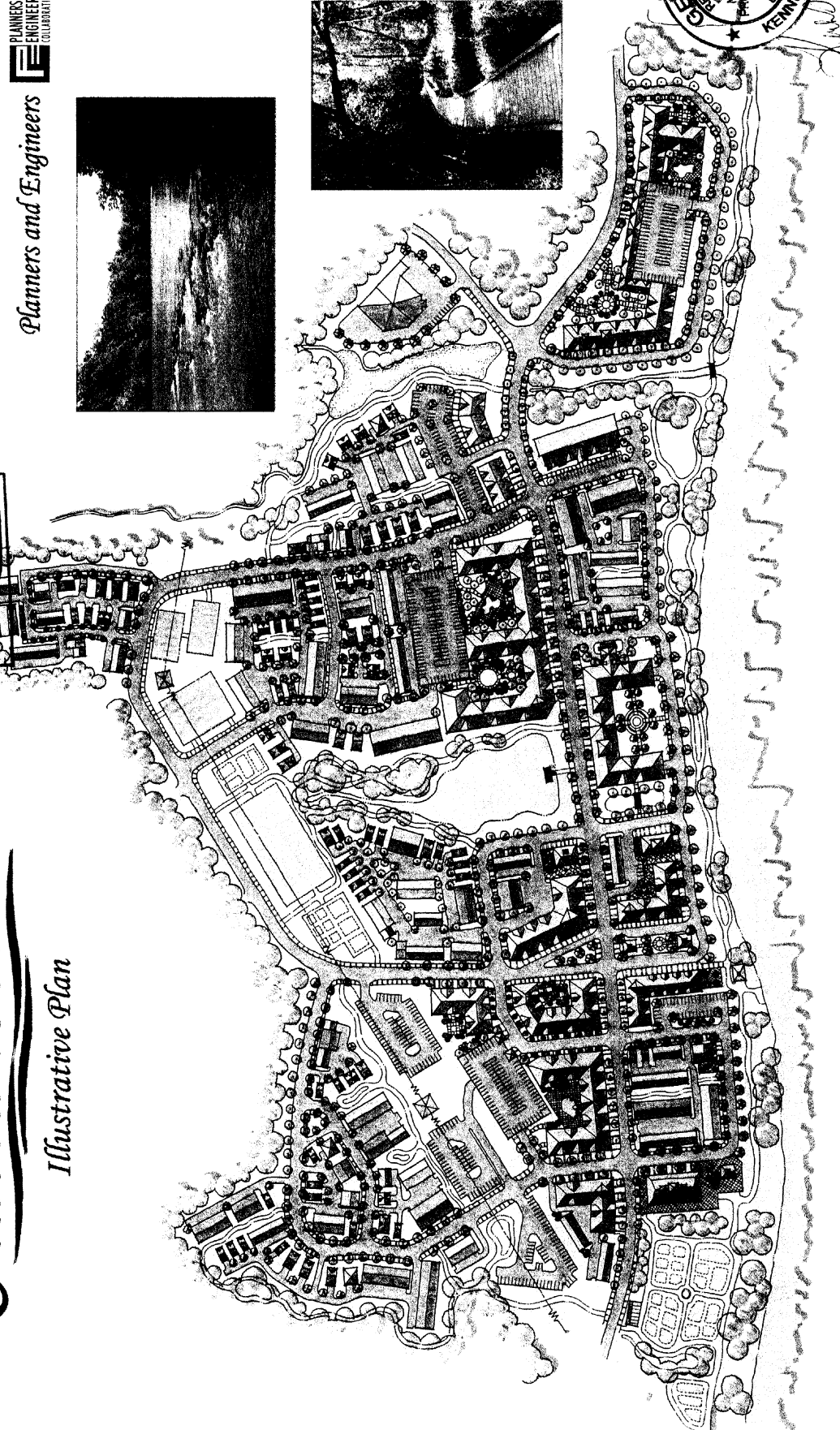


Planners and Engineers



RiverView on the Chattahoochee

Illustrative Plan



APPLICANT: Green Street Properties/ Marthasville Development/
Jamestown Properties
REPRESENTATIVE: Sams, Larkin & Huff, LLP
Garvis L. Sams, Jr. or Parks F. Huff 770-422-7016
TITLEHOLDER: Riverview Industries, L.P.

PETITION NO: Z-28
HEARING DATE (PC): 10-05-10
HEARING DATE (BOC): 10-19-10
PRESENT ZONING: HI, R-20

PROPERTY LOCATION: Located on the southeasterly side of River
View Road, between I-285 and the Southern Railway Railroad tracks;
on the southeasterly side of River View Road, south of I-285; on the
northwesterly side of River View Road, between Dickerson Drive and
Nichols Drive and on the southerly side of Nichols Drive, between
River View Road and Armstrong Place.

PROPOSED ZONING: PVC

PROPOSED USE: Mixed Use Development

ACCESS TO PROPERTY: River View Road, Nichols Road,
Armstrong Place, Dickerson Drive

SIZE OF TRACT: 87.605 acres

DISTRICT: 18

PHYSICAL CHARACTERISTICS TO SITE: _____

LAND LOT(S): 58, 171, 172, 174, 175, 284

PARCEL(S): See zoning file

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

FUTURE LAND USE MAP: Industrial



Summary of Intent for Rezoning* page 1 of 2

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

- a) Proposed unit square-footage(s): 700 square feet for a studio apartment up to over 4,000 square feet for single family residential
- b) Proposed building architecture: Neo-traditional architecture with a mixture of materials including brick, stone, cedar shake, cementitious board siding, additional details to follow.
- c) Proposed selling prices(s): \$200,000 to over \$500,000
- d) List all requested variances: The applicant seeks a rezoning to a conceptual site plan and seeks variances and conditions to the PVC zoning district which are consistent with the conceptual site plan including, but not limited to, lot size and building setback variances to the minimum allowed by the International Building Code; open space requirements found at Sec. 134-217(13); restaurants larger than 3,000 square feet and additional variances as identified in the site plan.

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

- a) Proposed use(s): A mixture of retail, office and light industrial shall be within the non-residential portion of the mixed use development.
- b) Proposed building architecture: Non-residential architecture shall be neo-traditional with a mixture of siding material and architectural features that will complement the residential component of the mixed use development.
- c) Proposed hours/days of operation: The mixed use development will contain commercial, office and light industrial uses that will be operational at traditional days and times.
- d) List all requested variances: The applicant seeks a rezoning to a conceptual site plan and seeks variances and conditions to the PVC zoning district which are consistent with the conceptual site plan including, but not limited to, lot size and building setback variances to the minimum allowed by the International Building Code; open space requirements found at Sec. 134-217(13); restaurants larger than 3,000 square feet and additional variances as identified in the site plan.

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

The applicant proposes to redevelop the 87± acre tract from its current Heavy Industrial uses to a mixed use development which will contain residential, office, retail and light industrial components. The commercial component will contain 240,000 square feet of space that will complement the residential portion which will contain 1,080 homes and a mixture of single family homes, townhomes and condominiums, 200 senior living units and 900 multi-family units.

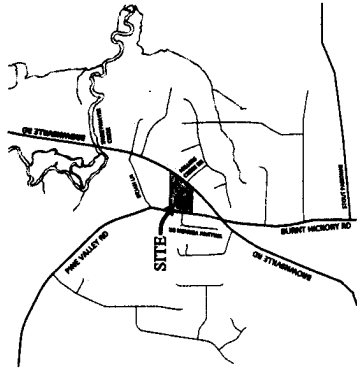
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where those properties are located.) None of the property sought for rezoning is owned by a government entity. However, Riverview Road traverses through the subject property and it is anticipated that the applicant will work with Cobb County DOT on proposed improvements to said roadway.

*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.

Z-29
(2010)

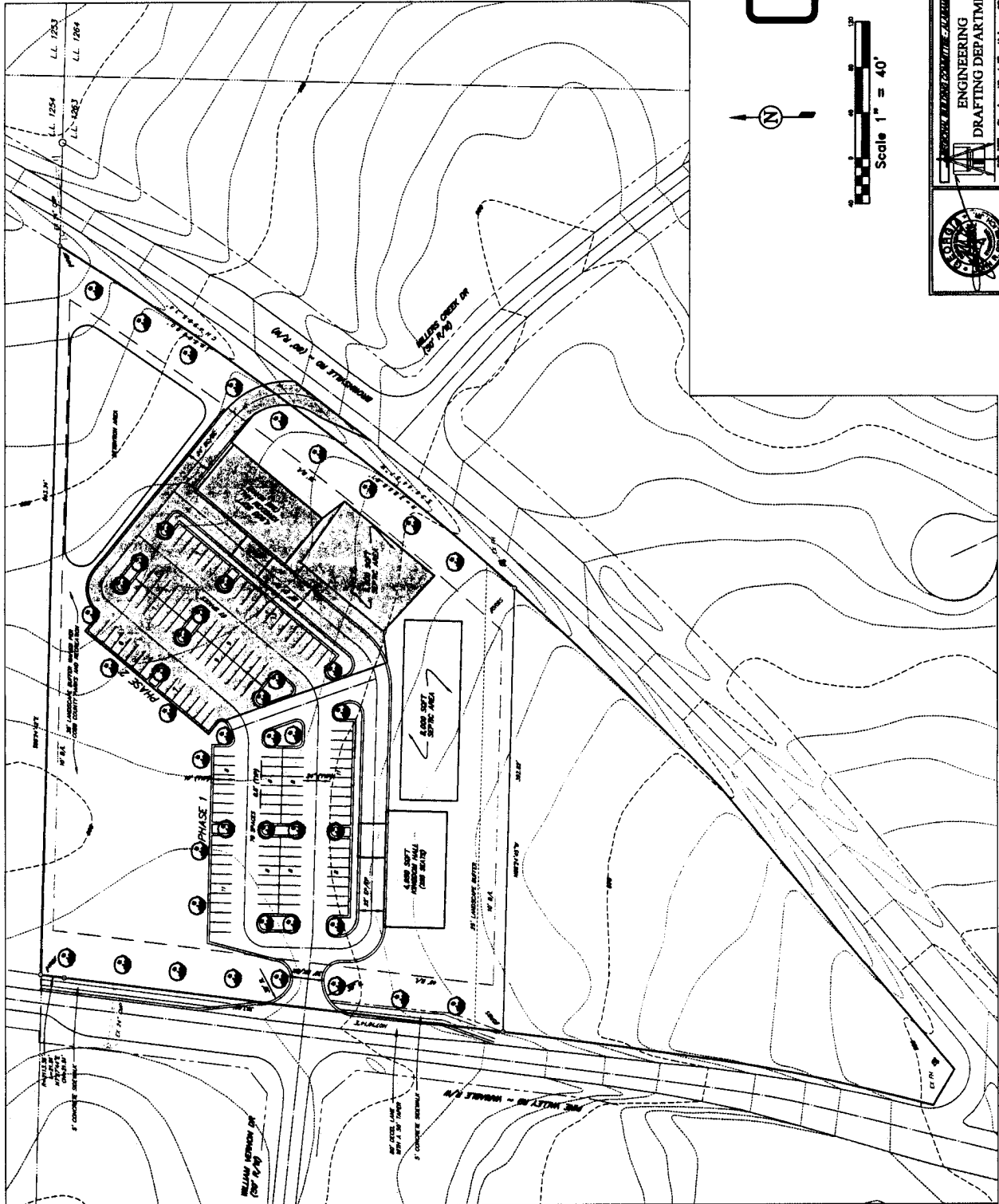
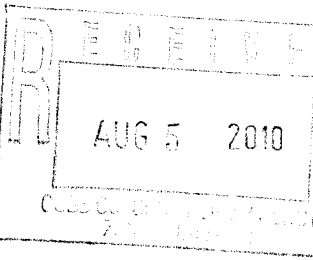
NOT FOR CONSTRUCTION





LOCATION MAP - 1"=1000'

SITE NOTES:

1. SITE AREA - 8.5 ACRES
2. EXISTING UTILITIES AND OBSTRUCTIONS
3. PROPOSED ZONING - Z-29 (see Appendix)
4. EXISTING UTILITIES
5. EXISTING UTILITIES
6. EXISTING UTILITIES
7. EXISTING UTILITIES



Scale 1" = 40'

		PROJECT NO. 2010-001	DATE 08/29/10	DRAWN BY 08/29/10	CHECKED BY 08/29/10	SHEET NO. C-1	APPROVED BY	PROJECT TITLE	PRELIMINARY LAYOUT	JOB DESCRIPTION Kingdom Hall of Jehovah's Witnesses Sweetwater Congregation, Powder Springs Land Lot 1263, Cobb County, Georgia
ENGINEERING DRAFTING DEPARTMENT										
Printed At: 08/29/10 08/29/10 08/29/10										

APPLICANT: Sweetwater Congregation of Jehovah's Witnesses

404-557-0278

REPRESENTATIVE: Sams, Larkin & Huff, LLP

Parks F. Huff 770-422-7016

TITLEHOLDER: Sweetwater Congregation of Jehovah's Witnesses

PETITION NO: Z-29

HEARING DATE (PC): 10-05-10

HEARING DATE (BOC): 10-19-10

PRESENT ZONING: NRC, R-20

PROPOSED ZONING: R-20

PROPERTY LOCATION: Located on the west side of Brownsville Road, north of Burnt Hickory Road, and on the east side of Pine Valley Road north of Burnt Hickory Road.

PROPOSED USE: Church

ACCESS TO PROPERTY: Brownsville Road, Pine Valley Road

SIZE OF TRACT: 5.0 acres

DISTRICT: 19

PHYSICAL CHARACTERISTICS TO SITE: _____

LAND LOT(S): 1263

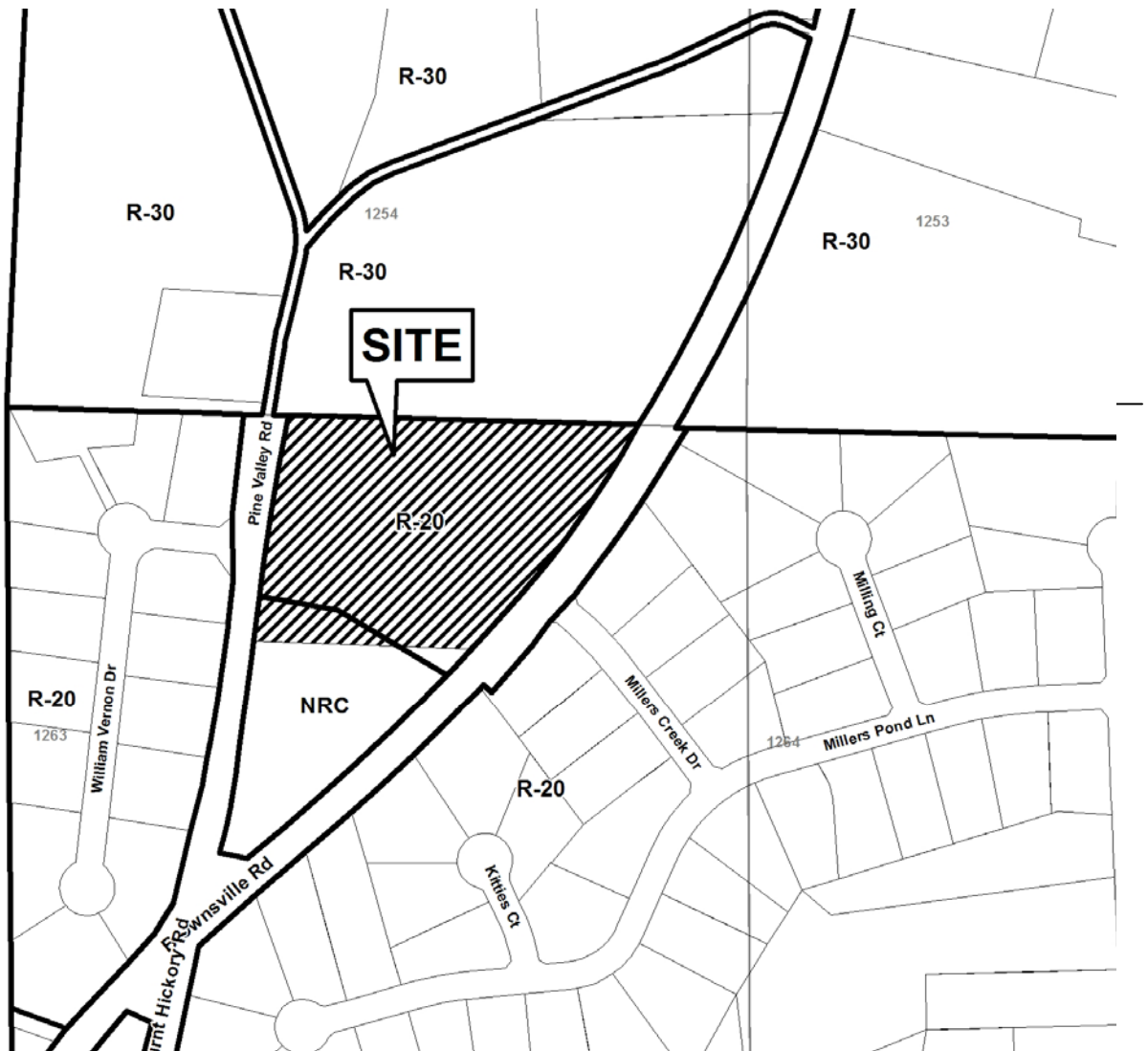
PARCEL(S): 47

TAXES: PAID X **DUE** _____

CONTIGUOUS ZONING/DEVELOPMENT

COMMISSION DISTRICT: 4

FUTURE LAND USE MAP: Neighborhood Activity Center & Very Low Density Residential



APPLICANT: Steve B. Wadley

770-366-5407

REPRESENTATIVE: Clyde Clem

770-861-6130

TITLEHOLDER: Steve B. Wadley

PROPERTY LOCATION: Located at the western end of Vendome
Place, north of Monet drive.

ACCESS TO PROPERTY: Vendome Place

PHYSICAL CHARACTERISTICS TO SITE: _____

CONTIGUOUS ZONING/DEVELOPMENT

PETITION NO: Z-30

HEARING DATE (PC): 10-05-10

HEARING DATE (BOC): 10-19-10

PRESENT ZONING: R-15 w/Stipulations

PROPOSED ZONING: R-15 w/Stipulations

PROPOSED USE: Two houses

SIZE OF TRACT: 2.49 acres

DISTRICT: 16

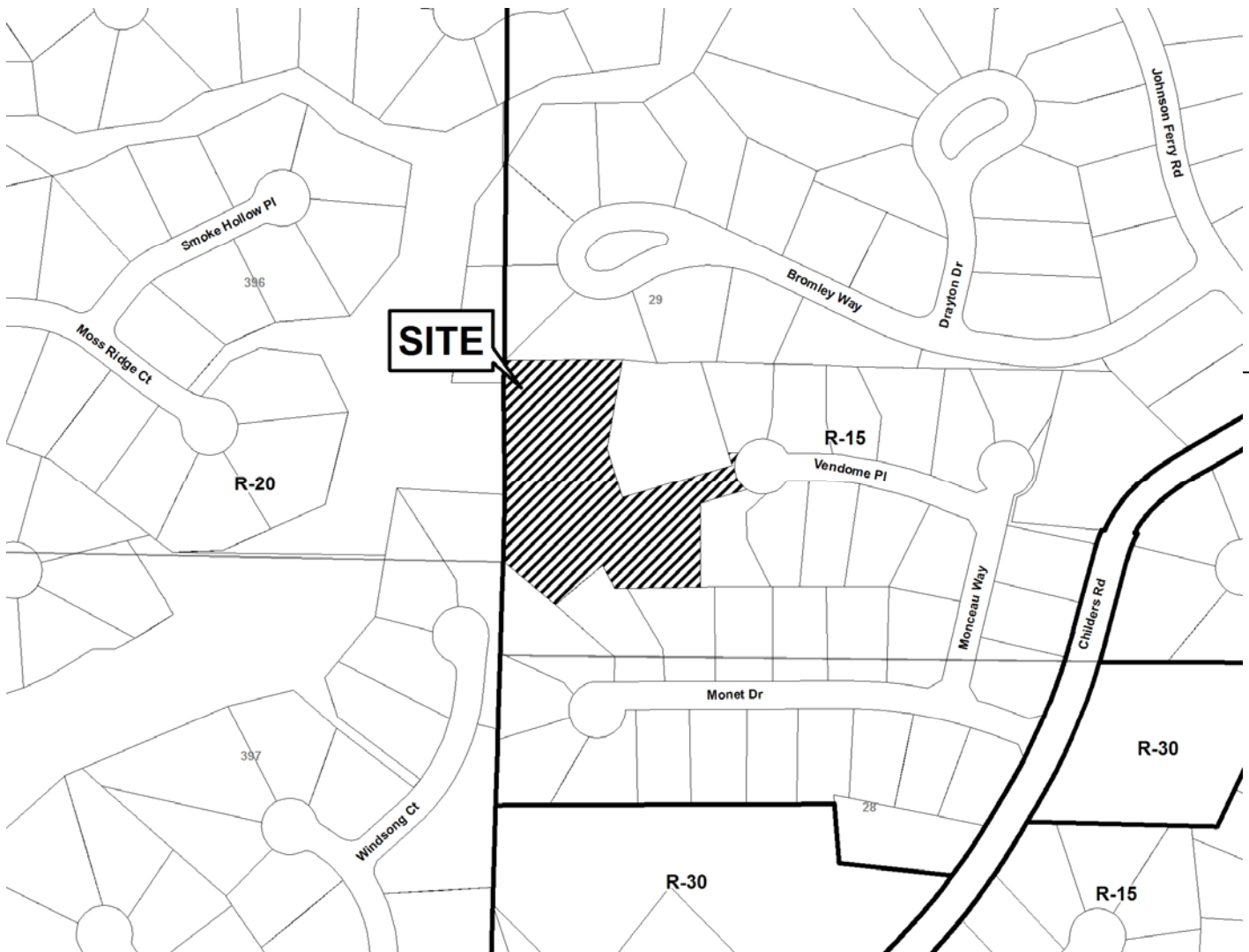
LAND LOT(S): 29

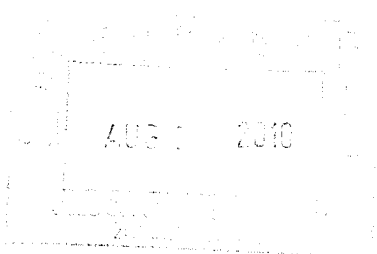
PARCEL(S): 51

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

FUTURE LAND USE MAP: Low Density Residential





Application No. Z-30
2010

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 4500
b) Proposed building architecture: Traditional
c) Proposed selling prices(s): 500,000
d) List all requested variances: Reduce the required lot width from 50' at the building setback to 25' at the building setback.

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

- a) Proposed use(s): _____
b) Proposed building architecture: _____
c) Proposed hours/days of operation: _____
d) List all requested variances: _____

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

The property is currently zoned R-15 and site plan specific for 3 lots and accompanying road extension.

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

No.

Z-31
(2010)

PROPERTY LINE DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 637 OF THE 18TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WESTERN RIGHT OF WAY OF CANTON HIGHWAY (STATE ROUTE 5) VARIABLE R/W AND THE MITERED SOUTHERLY RIGHT OF WAY OF BLACKWELL LANE, 14.4 MINUTES 07 SECONDS WEST, 89.44 FEET TO A 4" REBAR SET, THENCE LEAVING SAID MITERED SOUTHERLY RIGHT OF WAY OF BLACKWELL LANE AND PLACING ALONG THE WESTERN RIGHT OF WAY OF CANTON HIGHWAY IN A SOUTHERLY DIRECTION 22.85 FEET TO A 3/8" SQUARE PIPE FOUND, SAID POINT BEING THE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID WESTERN RIGHT OF WAY OF CANTON HIGHWAY SOUTH 03 DEGREES 14 MINUTES 07 SECONDS WEST, 89.44 FEET TO A 4" REBAR SET, THENCE LEAVING SAID WESTERN RIGHT OF WAY OF CANTON HIGHWAY AND PLACING ALONG THE WESTERN RIGHT OF WAY OF CANTON HIGHWAY IN A SOUTHERLY DIRECTION 22.85 FEET TO A 3/8" SQUARE PIPE FOUND, SAID POINT BEING THE POINT OF BEGINNING.

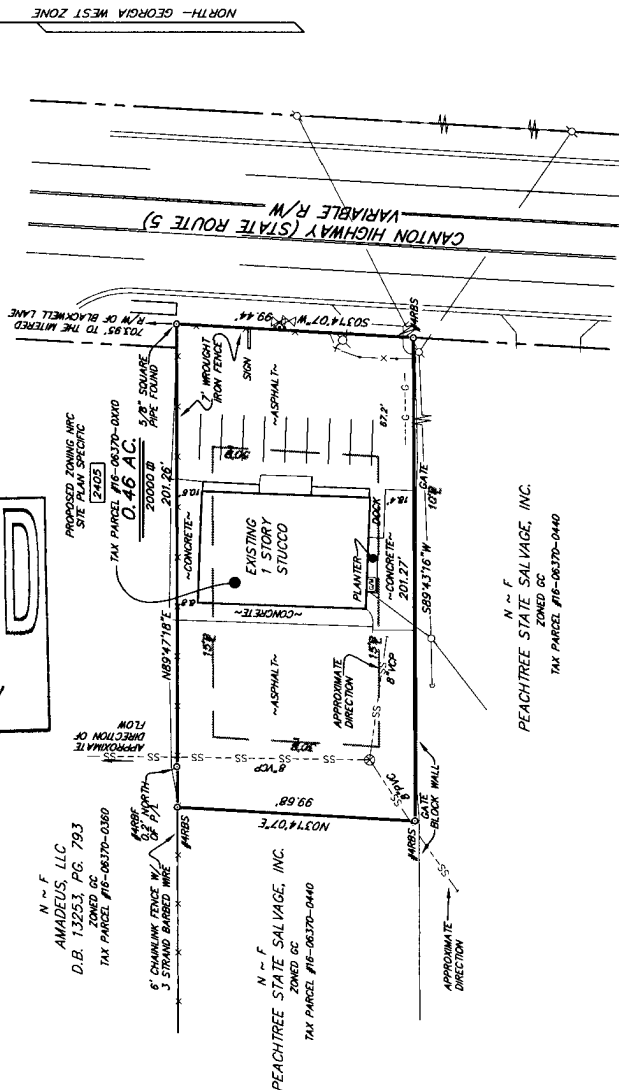
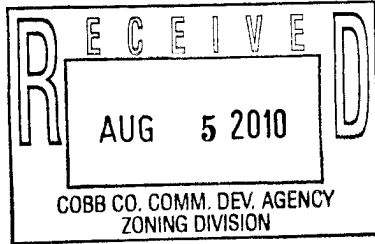
THENCE NORTH 89 DEGREES 47 MINUTES 18 SECONDS EAST, 201.26 FEET TO A 5/8" SQUARE PIPE FOUND, SAID POINT BEING THE POINT OF BEGINNING.

SAND OVERALL CONTAINS 0.46 ACRES (20,000 SQUARE FEET) MORE OR LESS.

VARIANCE NOTES:

- EXISTING 1 STORY STUCCO WAS BUILT IN 1974 AS PER COBB COUNTY TAX ASSESSOR'S OFFICE.
- REQUEST TO VARY RIGHT SIDE BUILDING LINE WHERE EXISTING BUILDING IS OVER, PARKING SPACE REQUIREMENT OF 1 SPACE PER 200 S.F. OF FLOOR SPACE, BUILDING IS 3270 S.F. CURRENTLY THERE ARE 9 PARKING SPACES IN FRONT OF THE BUILDING.

LEGEND	
	P.P. - POWER POLE
	L.P. - LIGHT POLE
	F.H. - FIRE HYDRANT
	S.S. - SANITARY SEWER MANHOLE
	W.M. - WATER METER
	G.M. - GAS METER
	R.B.S. - REINFORCING BAR SET
	C.T.P. - CRIMP TOP PIPE FOUND
	O.T.P. - OPEN TOP PIPE FOUND
	R/W MON. - RIGHT-OF-WAY MONUMENT
	X - TYPE OF FENCE
	J.B. - JUNCTION BOX
	D.I. - DROP INLET / YARD INLET
	C.B. - CATCH BASIN
	R.C.P. - REINFORCED CONCRETE PIPE
	C.M.P. - CORRUGATED METAL PIPE
	F.F.E. - FINISHED FLOOR ELEVATION
	W.V. - WATER VALVE
	S.C.O. - SEWER CLEAN OUT
	T.M. - TELEPHONE MANHOLE
	H.W. - HEADWALL
	O.P.L. - OVERHEAD POWER LINES
	P.B. - POWER BOX
	S.A. - STREET ADDRESS
	W-W - WATER LINE
	U.T.L. - UNDERGROUND TELEPHONE LINE
	G - GAS LINE
	E - UNDERGROUND ELECTRICAL LINE



SURVEY FOR:

TONY LITTLE
2405 CANTON HIGHWAY

LOCATED IN L.L. 637
16th DISTRICT, 2nd SECTION
COBB COUNTY, GA.

Gaskins

ENGINEERING • SURVEYING • LAND PLANNING • ENVIRONMENTAL
1266 Powder Springs Rd
Marietta, Georgia 30064
Phone: (770) 424-7166
Fax: (770) 424-7593
www.gaskins.com



THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE X ACCORDING TO FEMA (FEMA) COMMUNITY NUMBER 130032 MAP NUMBER 13067 C 0044 G DATED DECEMBER 16, 2008.

LOCATION OF UTILITIES EXISTING ON OR SERVING THE SUBJECT PROPERTY IS DETERMINED BY OBSERVABLE EVIDENCE ONLY. PROPERTY IS NOT SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTION, OR SURVEY. CLAIMS, EASEMENTS, AND NOT SHOWN. THIS PLAT IS INTENDED FOR THE PARTIES STATED ON THE FACE OF SURVEY. USE OF THE SURVEY BY THIRD PARTIES IS AT THEIR OWN RISK.

THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A FIVE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER. LINEAR PRECISION OF TRAVERSE: 1/32,401. ANGULAR ERROR: 6\"/>

APPLICANT: Peach State Salvage, Inc.

770-429-5574

REPRESENTATIVE: Moore Ingram Johnson & Steele, LLP

J. Kevin Moore 770-429-1499

TITLEHOLDER: Peach State Salvage, Inc.

PROPERTY LOCATION: Located on the west side of Canton Road,
south of Blackwell Lane.

ACCESS TO PROPERTY: Canton Road

PHYSICAL CHARACTERISTICS TO SITE: _____

PETITION NO: Z-31

HEARING DATE (PC): 10-05-10

HEARING DATE (BOC): 10-19-10

PRESENT ZONING: GC

PROPOSED ZONING: NRC

PROPOSED USE: Retail

SIZE OF TRACT: 0.46 acre

DISTRICT: 16

LAND LOT(S): 637

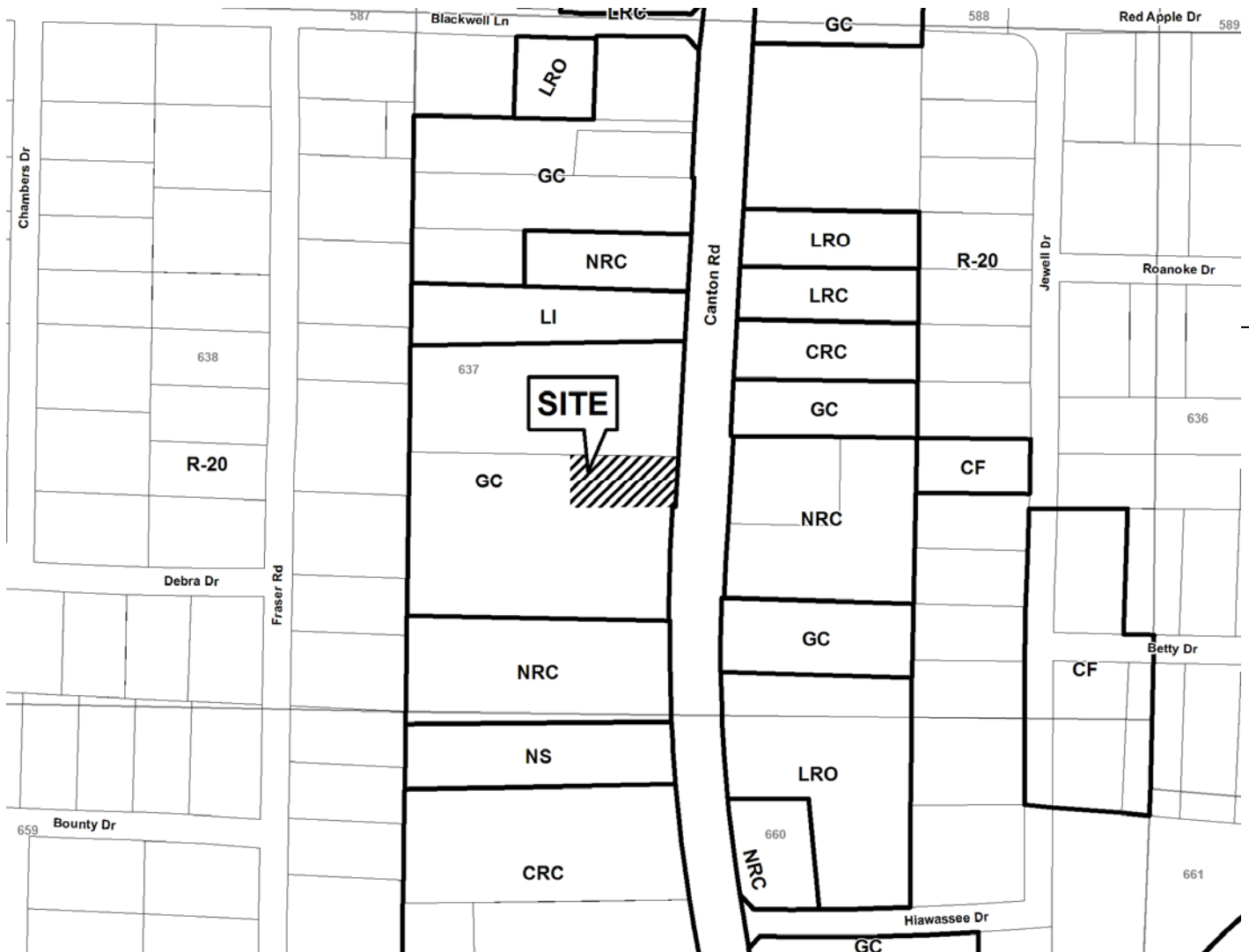
PARCEL(S): 44

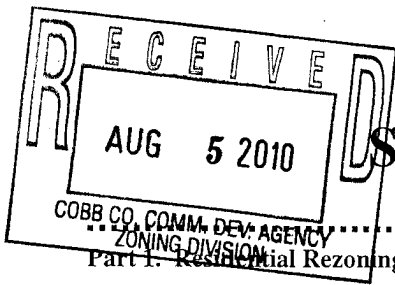
TAXES: PAID X **DUE** _____

CONTIGUOUS ZONING/DEVELOPMENT

COMMISSION DISTRICT: _____

FUTURE LAND USE MAP: Neighborhood Activity Center





Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): Not Applicable
- 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): Retail
- b) Proposed building architecture: Updated and upgraded exterior and interior renovations
- c) Proposed hours/days of operation: Daylight business hours
- d) List all requested variances: Please see Site Plan for site specific variances

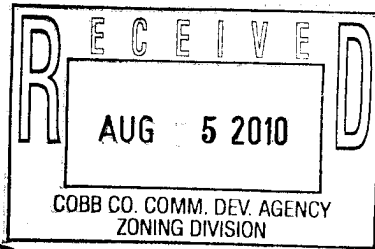
.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

The proposed parcel has an independent curb cut access separate from the larger parcel; as well as, separate wrought-iron fencing. Moreover, recent upgrades to the exterior include painting and aesthetic repairs.

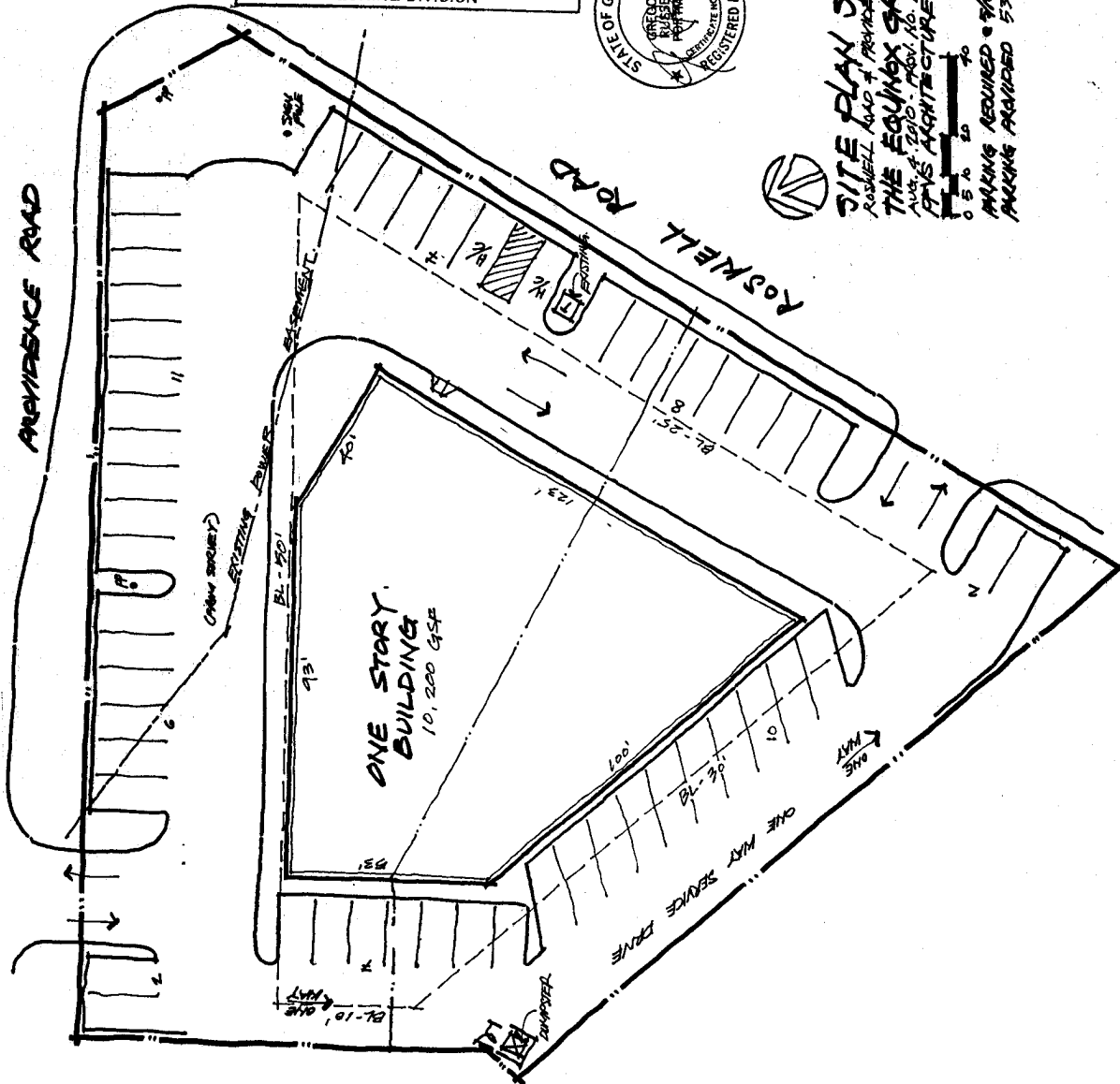
-
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). Not Applicable

*Applicant specifically reserves the right to amend any information set forth herein at any time during the rezoning process.

Z-32
(2010)



SITE PLAN STUDY - 3
ROSWELL ROAD & PROVIDENCE ROAD, COBB COUNTY
THE EQUINOX GROUP INC.
AUG. 4, 2010. PROJ. NO. 10027. SCALE: 1"=20'
TPVS ARCHITECTURE
0 5 10 20
PARKING REQUIRED: 17,000 = 41 SPACES
PARKING PROVIDED: 53 SPACES



APPLICANT: 4195 Roswell Road
770-579-6200

REPRESENTATIVE: Smith, Gambrell & Russell, LLP
Dennis J. Webb, Jr. and Kathryn M. Zickert 404-815-3500

TITLEHOLDER: 4195 Roswell Road, Daniel L. Thornton, Christine
H. Thornton

PROPERTY LOCATION: Located at the southwesterly intersection
of Providence Road and Roswell Road.

ACCESS TO PROPERTY: Providence Road, Roswell Road

PHYSICAL CHARACTERISTICS TO SITE: _____

PETITION NO: Z-32

HEARING DATE (PC): 10-05-10

HEARING DATE (BOC): 10-19-10

PRESENT ZONING: NS

PROPOSED ZONING: GC

PROPOSED USE: Commercial Development

SIZE OF TRACT: 0.98 acre

DISTRICT: 16

LAND LOT(S): 893, 903

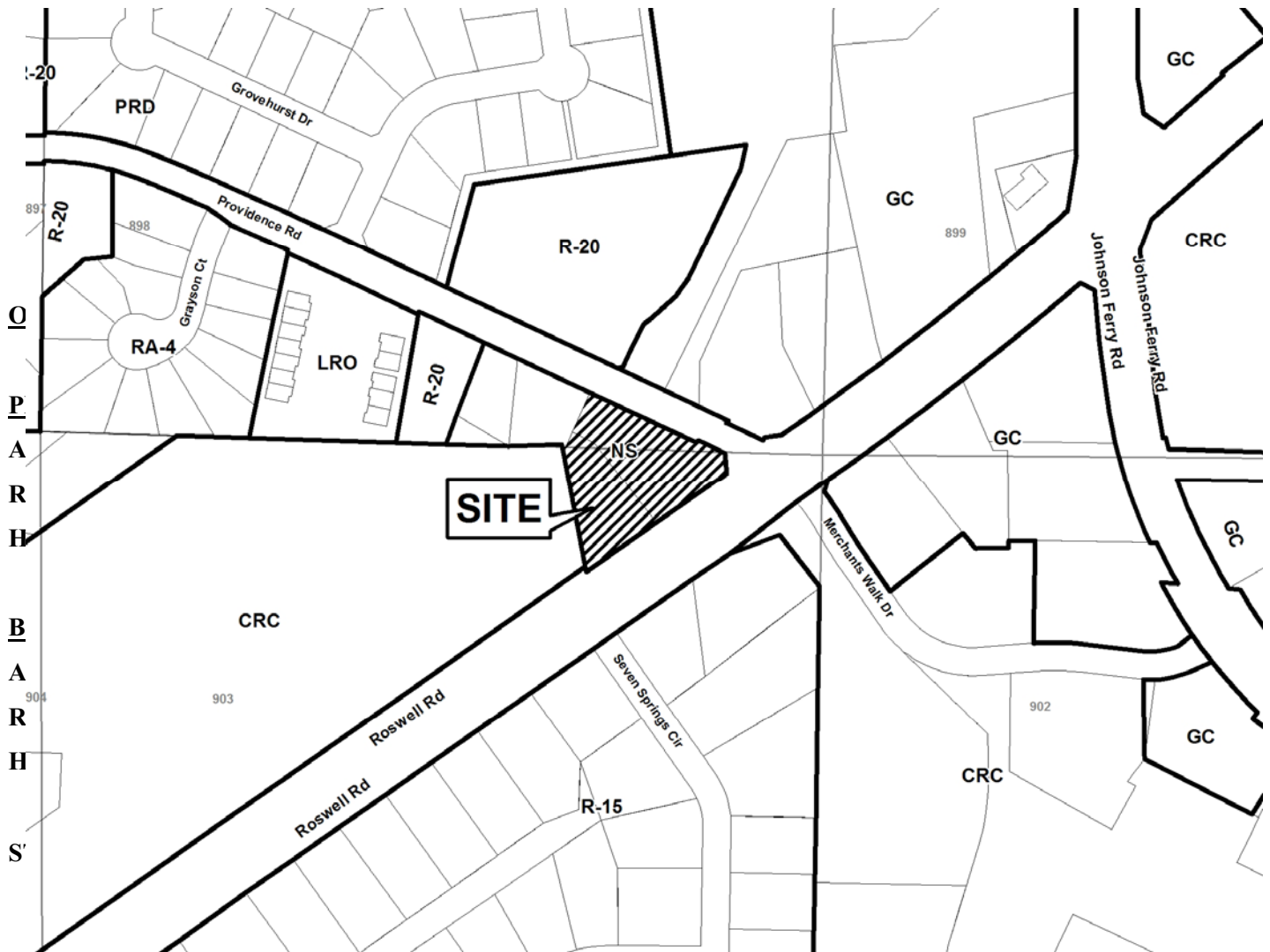
PARCEL(S): 51, 74

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

FUTURE LAND USE MAP: Community Activity Center



ORIGINAL

Z-32/2010

STATEMENT OF INTENT

and

Other Material Required by
Cobb County Zoning Ordinance
for the
Rezoning Application

of

4195 Roswell Road, LLC

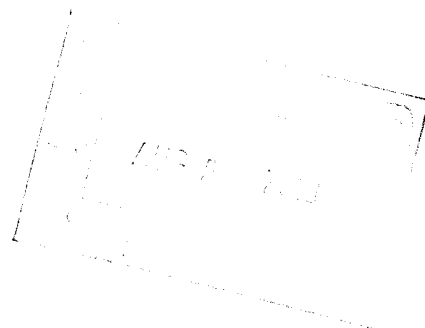
for

\pm .98 Acres of Land
located in
Land Lots 898 and 903, 16th District, Cobb County
4165 (a/k/a 4177) and 4195 Roswell Road

NS to GC

Submitted for Applicant by:

Kathryn M. Zickert
Dennis J. Webb, Jr.
Smith, Gambrell & Russell, LLP
1230 Peachtree Street, N.E.
Promenade II, Suite 3100
Atlanta, Georgia 30309
404-815-3500



I. INTRODUCTION

This Application seeks to rezone $\pm .98$ acres in Land Lots 898 and 903, 16th District of Cobb County (the "Subject Property"), from NS (Neighborhood Shopping District), a now defunct zoning category, to GC (General Commercial District). The Subject Property is located in a "Community Activity Center" according to the County's Future Development Map, a category which supports the proposed rezoning.

The Subject Property consists of two (2) tracts at the northwest quadrant of the intersection of Roswell Road and Providence Road that have a combined total of $\pm 12,173$ square feet of building space. The larger of the tracts, 4195 Roswell Road, consists of $\pm .59$ acres. It contains a single-story, $\pm 6,417$ square foot, lawful, non-conforming structure that currently houses a Blockbuster Video store. The smaller tract, 4165 (a/k/a 4177) Roswell Road, consists of $\pm .38$ acres and has a two-story, $\pm 5,756$ square foot, lawful, non-conforming building that is home to Free-Flite Bicycles.

The primary reason the Applicant has filed this request is because it is anticipated that 4195 Roswell Road will soon be vacant and in need of a new tenant. The GC zoning district will provide greater flexibility, an important factor given the current economic downturn and existing commercial vacancies in the area. The owners of 4195 Roswell Road and 4165 (aka 4177) Roswell Road note, however, that both intend to continue to use the tracts "as is" for the foreseeable future, maintaining existing buildings, driveways, parking stalls, signage, landscaping and other site features as currently configured.

Secondarily, the owners of 4195 Roswell Road and 4165 (aka 4177) Roswell Road also would like the flexibility to jointly redevelop the Subject Property under the GC district at a later date. To that end, they have commissioned a conceptual site plan, submitted with this Application. The conceptual site plan shows that future development will be limited to a one-

story building with a maximum of 10,200 gross square feet, approximately 2,000 less than now exists on the Subject Property. It also shows that, unlike the current improvements, any future development will conform to the relevant district regulations, including minimum setbacks and parking requirements.

In anticipation of community concerns, the Applicant agrees to voluntarily condition the rezoning so as to prohibit the following uses:

1. Nightclubs;
2. Pawn Shops, including Title Pawn;
3. Homeless Shelters;
4. Gold, Silver and Platinum Purchasers, but not to exclude Jewelry Stores;
5. Tattoo Parlors; and
6. Adult Entertainment Establishments.

These restrictions shall bind the Subject Property now and in the event of future redevelopment.

Further, to demonstrate the commitment to continue to use the Subject Property “as is” for the foreseeable future and to limit the scope of any future redevelopment, the Applicant agrees to the following additional condition:

1. The Owners shall be entitled the use the already developed Subject Property in the configuration reflected on the survey entitled “4195 Roswell Road, LLC/Daniel L. Thornton & Christine H. Thornton,” dated July 30, 2010, and submitted with the rezoning application (the “Survey”). The Owners shall not be required to construct any additional deceleration lanes as long as the Subject Property remains in the configuration shown on the Survey. Future redevelopment of the Subject Property shall be restricted to a building not to

exceed 10,200 gross square feet and any future redevelopment plans shall first be submitted to the District Commissioner for review and approval.

The Applicant submits this Statement of Intent as required by the Cobb County Zoning Ordinance. The document also is intended to address and substantiate the requisite responses to the State "Steinberg Act", O.C.G.A. § 36-67-1 et seq. An as-built survey of the Subject Property and other required material has been filed contemporaneously with this Application.

II. CRITERIA TO BE APPLIED TO REZONING APPLICATIONS

A. Whether the Zoning Proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Yes. The Subject Property has frontage on Roswell Road, one of the busiest roadways in Cobb County, and is surrounded by commercially zoned properties, including the GC, NS, and CRC (Community Retail Commercial District) zoning districts. Hence, the proposed zoning is suitable in view of the use and development of adjacent and nearby property.

B. Whether the Zoning Proposal will adversely affect the existing use or usability of adjacent or nearby property.

No. The area in which the Subject Property is located contains all manner of general commercial uses. Equally important, the County has designated the area as a "Community Activity Center" ("CAC") on its Future Land Use Map. That category is intended to encourage commercial and office areas "that can meet the immediate needs of several neighborhoods or communities." 2030 Comprehensive Plan, p. 29. Hence, the County has codified its intention to reserve the area for commercial uses in the future.

C. Whether the property to be affected by zoning proposal has a reasonable economic use as currently zoned.

No. The County no longer recognizes the NS zoning district. Although the Subject Property is "grandfathered," it remains non-conforming and subject to the risks inherent in that

classification. Equally important, the defunct NS zoning district limits the permitted uses allowed at the Subject Property in a manner that other properties similarly situated and in immediate proximity are not limited.

Further, this Applicant states that any portion of the Cobb County Zoning Ordinance which would classify the Subject Property so as to prohibit the zoning requested by this Application would destroy the Owners' property rights without first paying just compensation for such rights in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia; Article I, Section III, Paragraph I of the Constitution of the State of Georgia; and the Fifth and Fourteenth Amendments to the United States Constitution.

The Subject Property is not suitable for its present zoning. Accordingly, a denial of this Application would constitute an arbitrary and capricious act by Cobb County without any rational basis therefore, constituting an abuse of discretion and a violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia; Article I, Section II, Paragraph I of the Constitution of the State of Georgia; and the Fifth and Fourteenth Amendments to the United States Constitution.

A refusal by Cobb County to approve this Application and permit the only feasible economic use of the Subject Property would be unconstitutional and would discriminate in an arbitrary and capricious and unreasonable manner between the owners of the Subject Property and owners of similarly-situated property in violation of Article I, Section II, Paragraph III of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

This Application meets favorably the prescribed tests set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and

land use regulations as an expression of the government's police power, Guhl v. Holcomb Bridge Road, 238 Ga. 322 (1977).

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 or schools.

No. The zoning proposal will have no effect on schools. Further, for the foreseeable future, the Subject Property will remain unchanged and have no additional impact on existing streets, transportation facilities and utilities. When and if the Subject Property is redeveloped, the built space on-site will decrease by approximately 2,000 square feet, which has the potential to lessen the impact on existing streets, transportation facilities and utilities.

E. Whether the Zoning Proposal is in conformity with the policy and intent of the Land Use Plan.

Yes. The Subject Property is designated as "Community Activity Center" under the County's adopted Future Land Use Plan. This category specifically authorizes the Subject Property to be zoned to the GC district.

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.

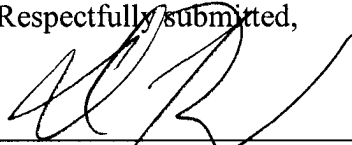
The proposed zoning is appropriate for the Subject Property. It is consistent with the County's future development plans. It also is suitable in light of adjacent and nearby developments and uses, as detailed herein.

III. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Application be approved. The Applicant also invites and welcomes any comments from Staff or other officials of Cobb County so that such recommendations or input might be incorporated as conditions of approval of this Application.

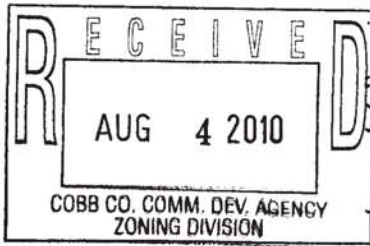
This 5th day of August, 2010.

Respectfully submitted,



Kathryn M. Zickert
Dennis J. Webb, Jr.
Attorneys For Applicant

Smith, Gambrell & Russell, LLP
1230 Peachtree Street, N.E.
Promenade II, Suite 3100
Atlanta, Georgia 30309



LUP-28
(2010)

REVISED
UNIT NO. 2
WOODMOORE SUBDIVISION
L.L. NO. 268 & 269 - 17th DISTRICT
2ND SECTION COBB COUNTY GA.
DATE AUGUST 17 1961 SCALE 1/8" = 1' 00"
J.B. CAREY C.E. REG. NO. 515 & 1269

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED
BY THE PLANNING BOARD OF COBB COUNTY GEORGIA
AND IS APPROVED BY SUCH PLANNING BOARD
DATED THIS 25th DAY OF August 1961
CHAIRMAN *[Signature]*
SECRETARY *[Signature]*

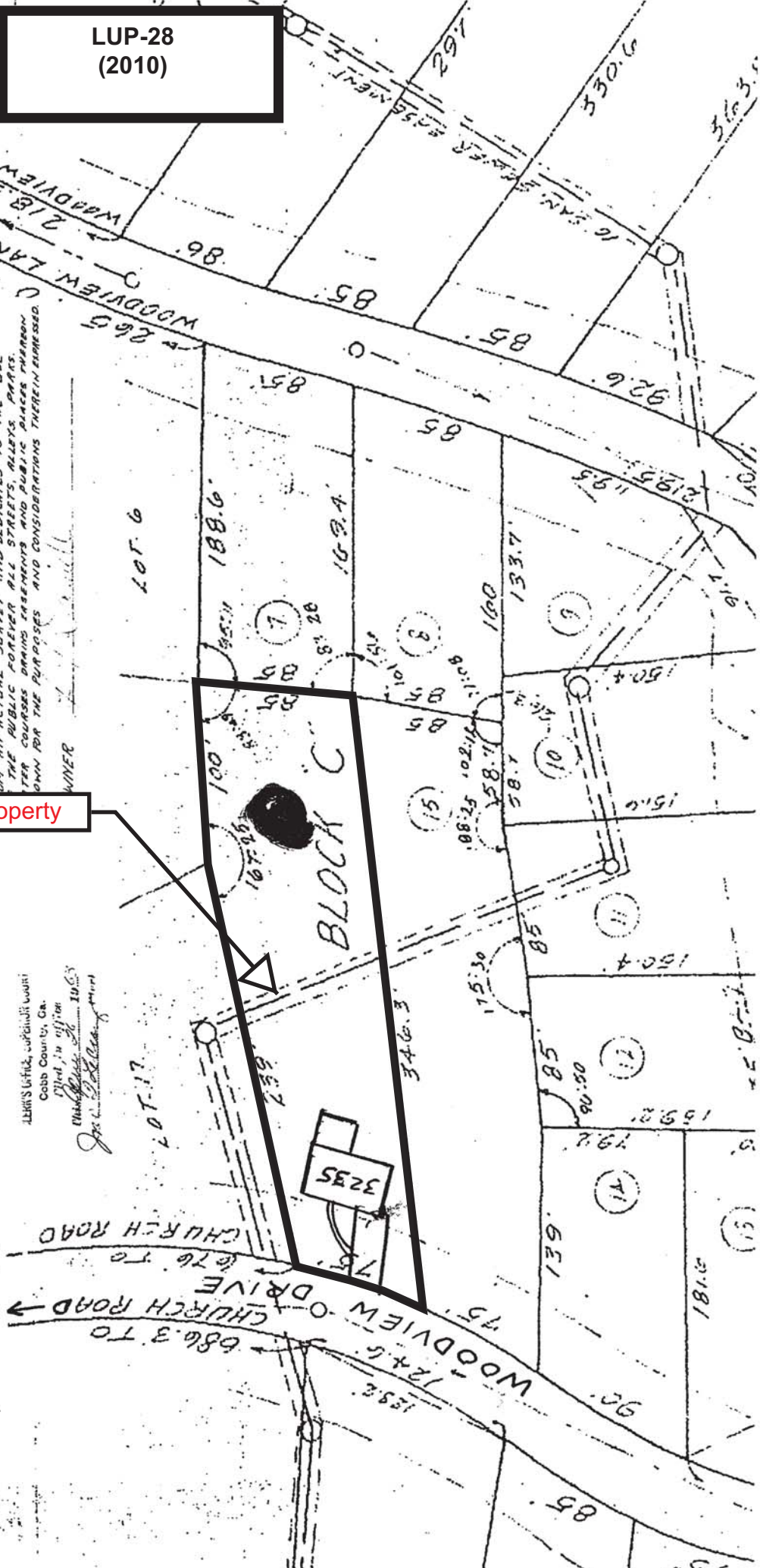
THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED
BY THE COMMISSIONER OF ROADS AND REVENUES OF
COBB COUNTY GEORGIA AND IS APPROVED SUBJECT
TO THE PROTECTIVE COVENANTS SHOWN HEREON
DATED THIS 25th DAY OF Aug. 1961
COMMISSIONER OF ROADS AND REVENUES
COBB COUNTY GEORGIA

LUP-28 Property

THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHERE
THE IS SUBSCRIBED HERETO KNOWING IN PERSON OR THROUGH A
LY AUTHORIZED AGENT ACKNOWLEDGES THAT THIS PLAT WAS
BY AN ACTUAL SURVEY AND DEDICATES TO THE USE
THE PUBLIC FOREVER ALL STREETS, ALLEYS, PATHS,
ATER COURSES DRAINAGE EASEMENTS AND PUBLIC PLACES HEREON
OWN FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

LENN'S OFFICE, LENOIR COUNTY
Cobb County, Ga.
Filed in office
JUL 17 1961

WOODVIEW DRIVE
CHURCH ROAD
CHURCH ROAD



APPLICANT: Melissa Powell

404-316-9014

REPRESENTATIVE: Melissa Powell

404-316-9014

TITLEHOLDER: Melissa A. Powell and Alexander C. Powell

PROPERTY LOCATION: Located on the east side of Woodview
Drive, south of Church Road.

ACCESS TO PROPERTY: Woodview Drive

PHYSICAL CHARACTERISTICS TO SITE: _____

CONTIGUOUS ZONING/DEVELOPMENT

PETITION NO: LUP-28

HEARING DATE (PC): 10-05-10

HEARING DATE (BOC): 10-19-10

PRESENT ZONING: R-15

PROPOSED ZONING: Temporary Land
Use Permit

PROPOSED USE: Hair Salon

SIZE OF TRACT: 0.64 acre

DISTRICT: 17

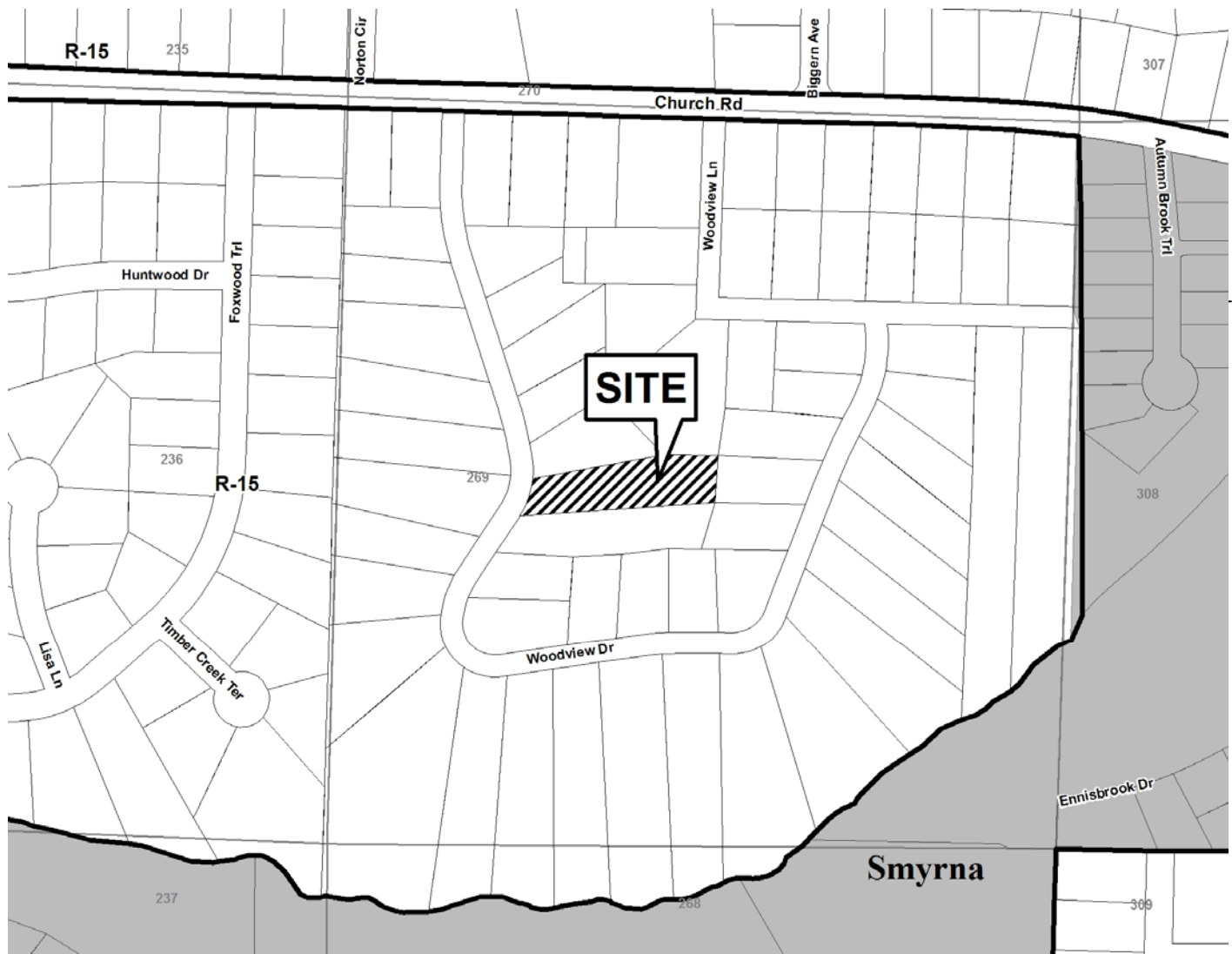
LAND LOT(S): 269

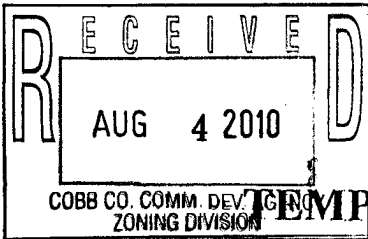
PARCEL(S): 56

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

Future Land Use Map: Low Density Residential





Application #: LUP-28
PC Hearing Date: 10-5-10
BOC Hearing Date: 10-19-10

TEMPORARY LAND USE PERMIT WORKSHEET

1. Type of business? Hair Salon
2. Number of employees? 1 (MYSELF ONLY)
3. Days of operation? Wednesday - Saturday
4. Hours of operation? 10 am - 12 pm
5. Number of clients, customers, or sales persons coming to the house per day? 3-4 ; Per week? 12-15
6. Where do clients, customers and/or employees park?
Driveway: X ; Street: _____ ; Other (Explain): _____
7. Signs? No: X ; Yes: _____. (If yes, then how many, size, and location): _____
8. Number of vehicles related to this request? (Please also state type of vehicle, i.e. dump truck, bobcat, trailer, etc.): 0
9. Deliveries? No X ; Yes _____. (If yes, then how many per day or week, and is the delivery via semi-truck, USPS, Fedex, UPS, etc.) _____
10. Does the applicant live in the house? Yes X ; No _____
11. Any outdoor storage? No X ; Yes _____. (If yes, please state what is kept outside): _____
12. Length of time requested: 2 years
13. Any additional information? (Please attach additional information if needed):
attached LUP-2

3195 Has a hair salon which has been approved for 13 years.
I would like to get approval under the same terms as I would →

Applicant signature: Melissa A. Powell Date: 8/3/10

Applicant name (printed): Melissa A. Powell

follow the same restrictions, no off-street parking, no signs, no employees and customers by appointment only.