

APPLICANT: Maria Claudia Ortega

PHONE#: 770-643-8314 **EMAIL:** mco63@hotmail.com

REPRESENTATIVE: Maria Claudia Ortega

PHONE#: 770-643-8314 **EMAIL:** mco63@hotmail.com

TITLEHOLDER: Jesus Maria Silva and Maria Claudia Ortega

PROPERTY LOCATION: East side of Allgood Road, north of Camellia Drive (1096 Allgood Road).

ACCESS TO PROPERTY: Allgood Road

PHYSICAL CHARACTERISTICS TO SITE: Single-family house

PETITION NO: LUP-5

HEARING DATE (PC): 04-01-16

HEARING DATE (BOC): 04-19-16

PRESENT ZONING: R-20

PROPOSED ZONING: Land Use Permit (Renewal)

PROPOSED USE: Daycare

SIZE OF TRACT: 2.3 acres

DISTRICT: 16

LAND LOT(S): 949, 950

PARCEL(S): 28

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/Undeveloped wooded lot
- SOUTH:** R-20/Eastwood Forest Subdivision
- EAST:** R-20/Eastwood Baptist Church
- WEST:** R-20/Marietta Church of God

Adjacent Future Land Use:

- North: Public Institution (PI)
- East: Public Institution (PI)
- South: Medium Density Residential (MDR)
- West: Public Institution (PI)

OPPOSITION: NO. OPPOSED **PETITION NO:** _____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **VOTE** _____

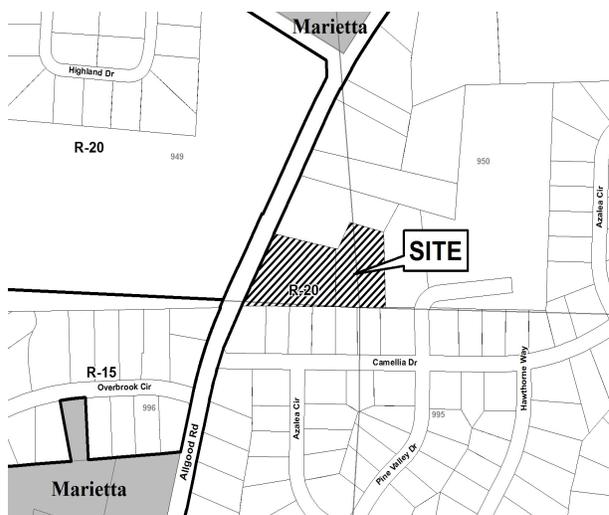
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

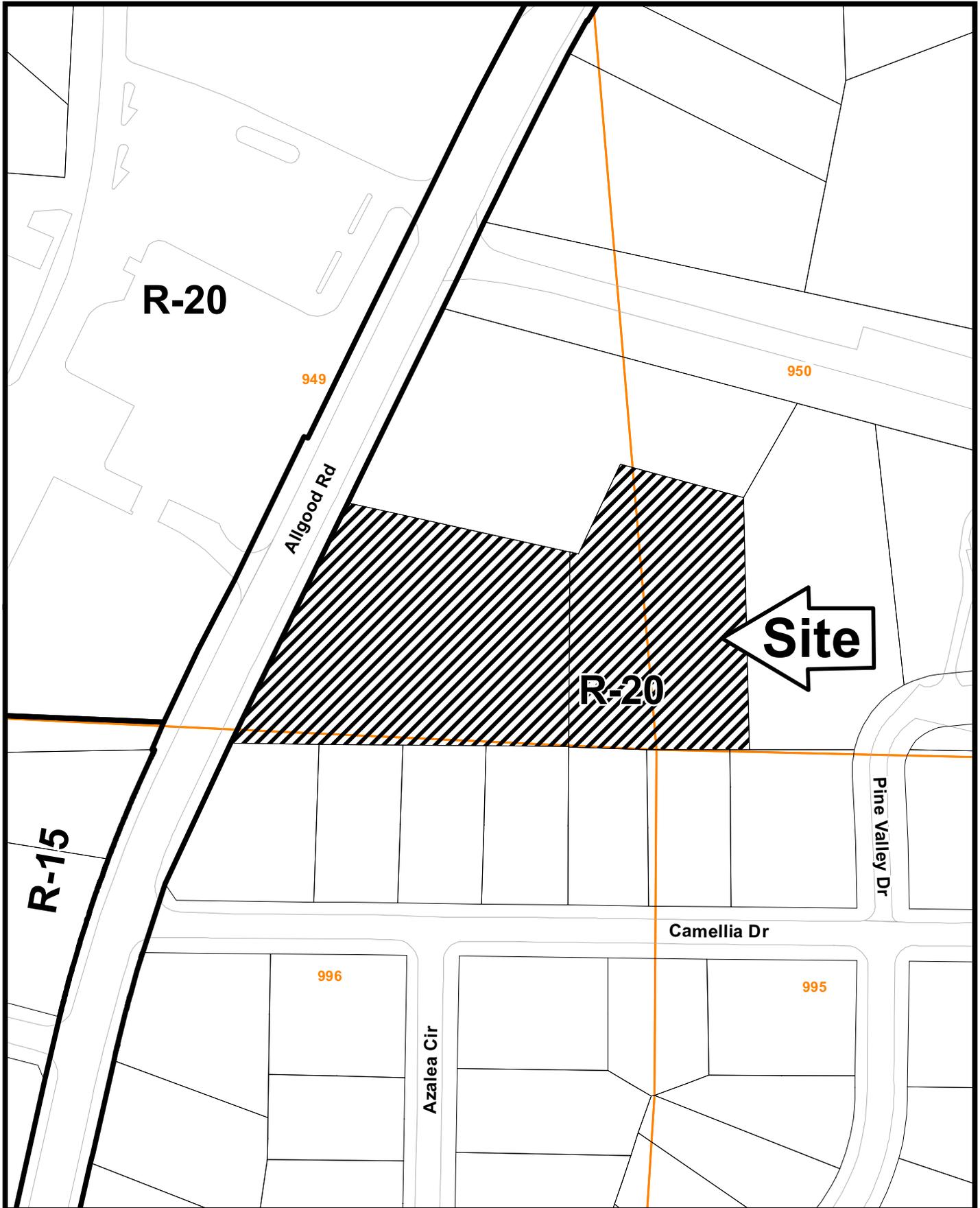
REJECTED _____ **SECONDED** _____

HELD _____ **VOTE** _____

STIPULATIONS:



LUP-5



This map is provided for display and planning purposes only. It is not meant to be a legal description.

0 100 200 Feet



City Boundary
Zoning Boundary

APPLICANT: Maria Claudia Ortega

PETITION NO.: LUP-5

PRESENT ZONING: R-20

PETITION FOR: LUP

ZONING COMMENTS: Staff Member Responsible: Kim Wakefield

Applicant is requesting a renewal of a Temporary Land Use Permit for 24 months for the purpose of operating a family daycare. The hours of operation will be Monday through Friday from 7 a.m. until 6 p.m. The applicant has indicated there will be eight clients coming to the house daily. The applicant will have one (1) employee. The applicant is not requesting a sign on the property. One (1) vehicle will be at the property and there will be a designated drop-off/pick-up area. Applicant has indicated there will be no deliveries and no outdoor storage. The applicant states she does reside at this house.

Historic Preservation: Is the property within the Dobbins Airfield Safety Zone?

Yes No

If so, which particular safety zone is this property within?

CZ (Clear Zone) APZ I (Accident Potential Zone I)

APZ II (Accident Potential Zone II)

Bird / Wildlife Air Strike Hazard (BASH) area

Cemetery Preservation: No comment.

WATER & SEWER COMMENTS:

Property is in Marietta's Water and Sewer Service area. Contact Marietta Water and Sewer for sewer availability.

TRAFFIC COMMENTS:

Recommend no parking on the right-of-way.

FIRE COMMENTS:

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

THIS

PAGE

INTENTIONALLY

LEFT

BLANK

APPLICANT: Maria Claudia Ortega

PETITION NO.: LUP-5

PRESENT ZONING: R-20

PETITION FOR: LUP

STORMWATER MANAGEMENT COMMENTS

No comments.

STAFF RECOMMENDATIONS

LUP-5 MARIA CLAUDIA ORTEGA

There are twelve criteria that must be considered for a Temporary Land Use Permit. The criteria are below in italics, with the Staff analysis following in bold.

- (1) Safety, health, welfare and moral concerns involving the surrounding neighborhood.*
This request should not affect the safety, health or welfare of the surrounding properties. The applicant has provided a petition of consent of several of the contiguous land owners.
- (2) Parking and traffic considerations.*
Clients will park in the driveway.
- (3) Number of nonrelated employees.*
There will be one (1) employee for daily operations.
- (4) Number of commercial and business deliveries.*
There are no commercial deliveries associated with this request.
- (5) The general presumption of the board of commissioners that residential neighborhoods should not allow noncompatible business uses.*
This use is located in area having single-family residential homes and churches. There have not been any complaints regarding the applicant's use.
- (6) Compatibility of the business use to the neighborhood.*
There are no known businesses surrounding the property.
- (7) Hours of operation.*
This activity is Monday through Friday from 7 a.m. through 6 p.m.
- (8) Existing business uses in the vicinity.*
There are no known businesses surrounding this property, but there are churches and a business park nearby.
- (9) Effect on property values of surrounding property.*
N/A
- (10) Circumstances surrounding neighborhood complaints.*
This request is not the result of a complaint of the Code Enforcement Division. No complaints have been received by the Code Enforcement Division since the approval of the Temporary Land Use Permit.
- (11) Intensity of the proposed business use.*
The applicant is requesting 10 children (6 above Code allowance) and one (1) employee.
- (12) Location of the use within the neighborhood.*
The proposed use is not located in a platted subdivision and is on a main thoroughfare.

LUP-5 MARIA CLAUDIA ORTEGA (continued)

Based on the above analysis, Staff recommends **APPROVAL** for **24 months** of the applicant's request, subject to:

1. Hours of operation to be Monday through Friday only from 7:00 a.m. to 6:00 p.m.;
2. Infants up to Pre-kindergarten age children only;
3. No overnight stays for the children;
4. No outdoor signs;
5. Only one employee is allowed;
6. Maximum of 10 children, unrelated to the owner;
7. District Commissioner to approve landscape and fencing plan.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.



Application #: LVP-5

PC Hearing Date: 4-1-16

BOC Hearing Date: 4-19-16

TEMPORARY LAND USE PERMIT WORKSHEET (FOR BUSINESS USE OR FOR A USE NOT PERMITTED)

1. Type of business, or request? Daycare.
2. Number of employees? 1
3. Days of operation? Monday to Friday
4. Hours of operation? 7am to 6pm
5. Number of clients, customers, or sales persons coming to the house per day? 8 ; Per week? 40
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.): 1 Automobile
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 (24 months maximum): 24 months.
13. Is this application a result of a Code Enforcement action? No X ; Yes _____ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).
14. Any additional information? (Please attach additional information if needed): _____

Applicant signature: Maria Claudia Ortega Date: 02-03-16

Applicant name (printed): Maria Claudia Ortega