

**SEPTEMBER 20, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM OB-057

PURPOSE

To consider a site plan and stipulation amendment for KC Propco, LLC regarding rezoning application Z-101 of 2015 (Knowledge Universe Education, LLC), for property located on the northwest side of Powder Springs Road, northeast of Horseshoe Bend Road in Land Lot 694 of the 19th District.

BACKGROUND

The subject property was rezoned in 2015 for a daycare facility. The rezoning was needed because the old daycare facility lost its grandfathered status. No new construction was proposed for the 2015 rezoning. This Other Business item concerns one of the DOT comments which required a deceleration lane at the entrance. The applicant is not proposing any new construction at this time, and the daycare functioned fine without the deceleration lane for many years. The applicant is amenable to installing the deceleration lane if the property ever redevelops. If approved, all previous zoning stipulations would remain in effect.

STAFF COMMENTS

Cobb DOT: Recommend deceleration lane be required upon redevelopment or submittal for a Land Disturbance Permit.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed site plan and stipulation amendment.

ATTACHMENTS

Other Business application and stipulations.

(Stipulation Amendment)

Application for "Other Business"

Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

Application No.: OB- 57 -2016

BOC Hearing Date Requested: September 20, 2016

Applicant: KC Propco, LLC Phone #: (407) 514-2774
(applicant's name printed)

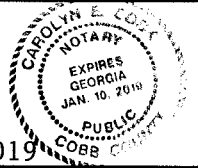
Address: Suite 314, 4767 New Broad Street, Orlando, FL 32814 **E-Mail:** dcrowe@4thstreetassetmgt.com

Moore Ingram Johnson & Steele, LLP **John H. Moore** **Address:** Emerson Overlook, 326 Roswell Street Marietta, GA 30060
(representative's name, printed)

BY: [Signature] Phone #: (770) 429-1499 **E-Mail:** jmoore@mijs.com
(representative's signature) Georgia Bar No. 519800

Signed, sealed and delivered in presence of:
[Signature: Carolyn E. Cook]
Notary Public

My commission expires: January 10, 2019



Titleholder(s): KC Propco, LLC Phone #: (407) 514-2774
(property owner's name printed)

Address: Suite 314, 4767 New Broad Street, Orlando, FL 32814 **E-Mail:** dcrowe@4thstreetassetmgt.com

See Attached Exhibit "A"
(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Commission District: 4 (Cupid) **Zoning Case:** Z-101 (2015)

Size of property in acres: 0.8994 **Original Date of Hearing:** 12/15/2015

Location: Northwest side of Powder Springs Road; northeast of Horseshoe Bend Road
(street address, if applicable; nearest intersection, etc.) (2380 Powder Springs Road)

Land Lot(s): 694 **District(s):** 19th

State specifically the need or reason(s) for Other Business: _____

See Exhibit "B" attached hereto and incorporated herein by reference.

(List or attach additional information if needed)

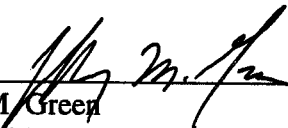
**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(STIPULATION AMENDMENT)**

OB Application No.:	OB- <u>57</u> -2016
Application No.:	Z-101 (2015)
Original Hearing Date:	December 15, 2015
Date of Zoning Decision:	December 15, 2015
Current Hearing Date:	September 20, 2016

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant/Titleholder: KC Propco, LLC

KC PROPCO, LLC

BY: 
Jeffrey M. Green
Vice President

Date of Execution: August 11, 2016

Address: c/o 4th Street Asset Management, L.P.
Suite 314, 4767 New Broad Street
Orlando, Florida 32814

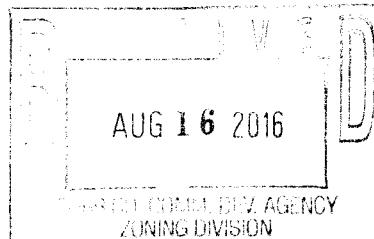
Telephone No.: (407) 514-2774
Telefax No.: (407) 517-2604

Signed, sealed, and delivered in the presence of:

Notary Public
Commission Expires: _____

[Notary Seal]

*See Attached
California Jurat*



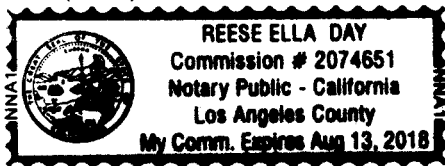
JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles

Subscribed and sworn to (or affirmed) before me on this 11th day of August,
2016, by Jeffrey M. Greeb
proved to me on the basis of satisfactory evidence to be the person(s) who appeared before
me.

(Seal)



Signature Reese Ella Day

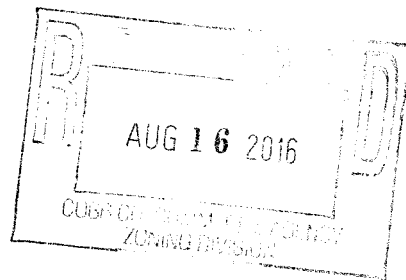


EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Stipulation Amendment)

OB Application No.:	OB- <u>57</u> -2016
Application No.:	Z-101 (2015)
Original Hearing Date:	December 15, 2015
Date of Zoning Decision:	December 15, 2015
Current Hearing Date:	September 20, 2016

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant/Titleholder: KC Propco, LLC

On December 15, 2015, the Cobb County Board of Commissioners granted a request to rezone the 0.8994 acre tract located at 2380 Powder Springs Road (hereinafter "Property" or "Subject Property") from Neighborhood Shopping ("NS") to Neighborhood Retail Commercial ("NRC") to allow for the renovating, refurbishing, and reopening of the closed child care facility. The requested rezoning was approved subject to certain items enumerated in the official meeting minutes.

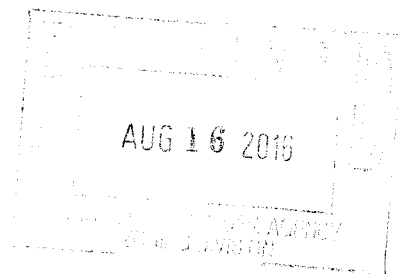
In this Application for "Other Business," Applicant proposes a stipulation amendment to delete the following Cobb County Department of Transportation recommendation:

Recommend deceleration lane on Powder Springs Road for the entrance.

A copy of the portion of the Departmental Comments containing the Department of Transportation Recommendation is attached as Exhibit "1" and incorporated herein by reference.

If the proposed stipulation amendment is approved, as submitted in this Application, it shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

The balance and remainder of the stipulations and conditions specifically enumerated in the final, official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on December 15, 2015, are unaltered by this request for Stipulation Amendment and shall remain in full force and effect.



APPLICANT: Knowledge Universe Education LLC **PETITION NO.: Z-101**

PRESENT ZONING: NS **PETITION FOR: NRC**

TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Powder Springs Road	26,100	Arterial	45 mph	Cobb County	100'

Based on [2008] traffic counting data taken by Cobb County DOT for Powder Springs Road

COMMENTS AND OBSERVATIONS

Powder Springs Road is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Recommend replacing disturbed curb, gutter, and sidewalk along the Powder Springs Road frontage.



Recommend deceleration lane on Powder Springs Road for the entrance.

AUG 18 2007

**SITE PLAN APPROVED FOR
SUBJECT PROPERTY BY
BOARD OF COMMISSIONERS
PURSUANT TO
APPLICATION NO. Z-101 (2015)
DECEMBER 15, 2015**

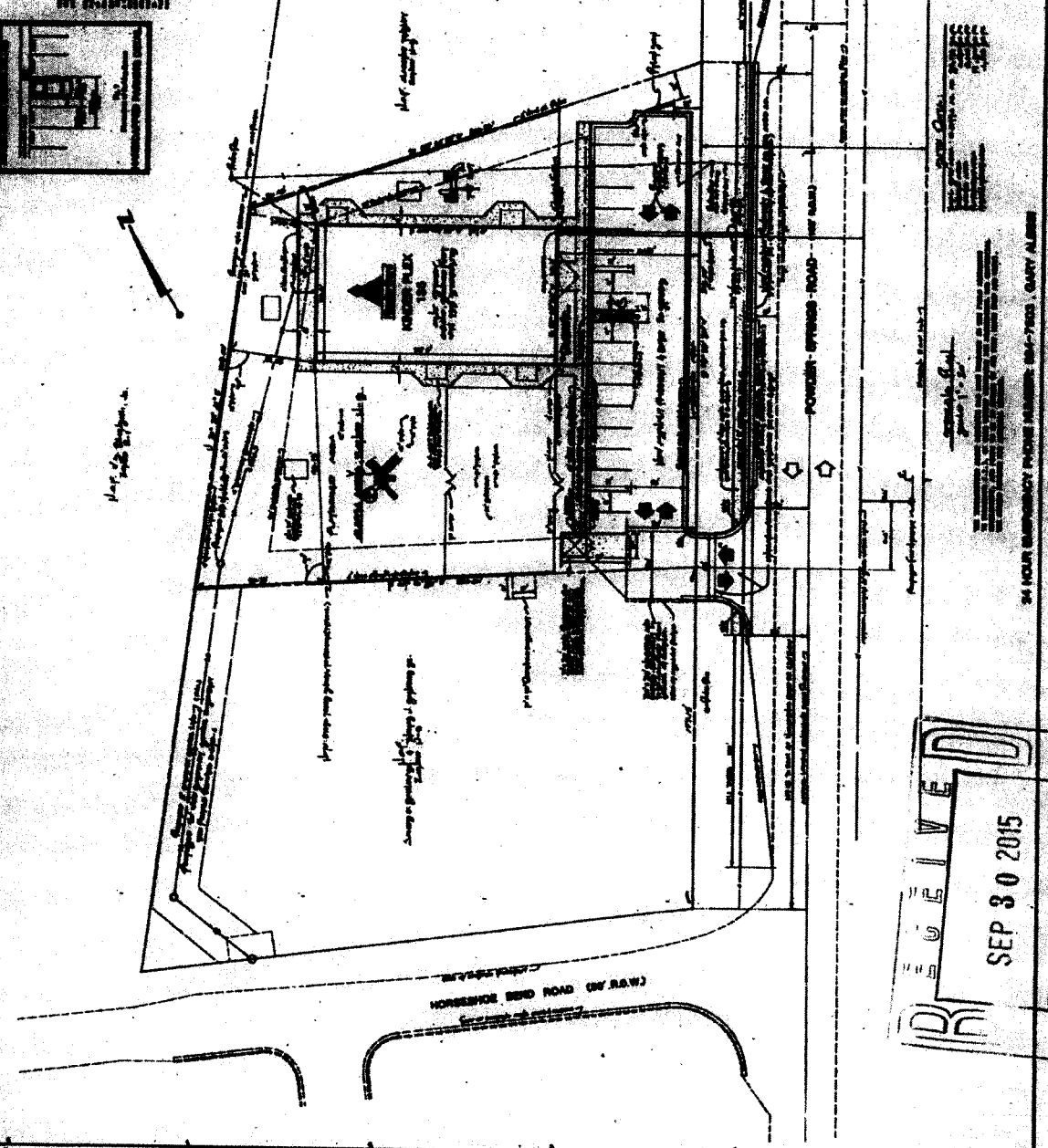
AUG 18 2015

Mfn. Bl. 17 Petition No. 2-101
 Doc. Type site plan
 Meeting Date 12-15-15

Kinder-Care Learning Centers, Inc. 3000 Peachtree Drive Atlanta, GA 30328			POWER PLAN 10/15/15	SITE PLAN 10/15/15
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GENERAL NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ATLANTA ZONING ORDINANCES AND THE CITY OF ATLANTA DEPARTMENT OF PUBLIC WORKS (DPW) SPECIFICATIONS.
2. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ATLANTA DEPARTMENT OF PUBLIC WORKS (DPW) SPECIFICATIONS.
3. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ATLANTA DEPARTMENT OF PUBLIC WORKS (DPW) SPECIFICATIONS.
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9. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ATLANTA DEPARTMENT OF PUBLIC WORKS (DPW) SPECIFICATIONS.
10. THE PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ATLANTA DEPARTMENT OF PUBLIC WORKS (DPW) SPECIFICATIONS.



RECEIVED
 SEP 30 2015
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

34 HOUR EMERGENCY PHONE NUMBER: 888-7803, GARY ALLEN

**OFFICIAL MINUTES OF BOARD OF
COMMISSIONERS ZONING HEARING
FOR APPLICATION FOR REZONING
NO. Z-101 (2015) – DECEMBER 15, 2015**

11/15/2015
11:00 AM
AUG 10 2015
11:00 AM

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 15, 2015
9:00 A.M.**

The Board of Commissioners Zoning Hearing was held on Tuesday, December 15, 2015 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairman Tim Lee
Vice Chair JoAnn Birrell
Commissioner Lisa Cupid
Commissioner Bob Ott
Commissioner Bob Weatherford

CONSENT AGENDA

MOTION: Motion by Lee, second by Weatherford, to **approve/delete** the following cases on the Consent Agenda *as revised*:

Z-101 **KNOWLEDGE UNIVERSE EDUCATION, LLC** (KC Propco, LLC, owner) requesting Rezoning from NS to NRC for the purpose of a Daycare Facility in Land Lot 694 of the 19th District. Located on the northwest side of Powder Springs Road, northeast of Horseshoe Bend Road (2380 Powder Springs Road).

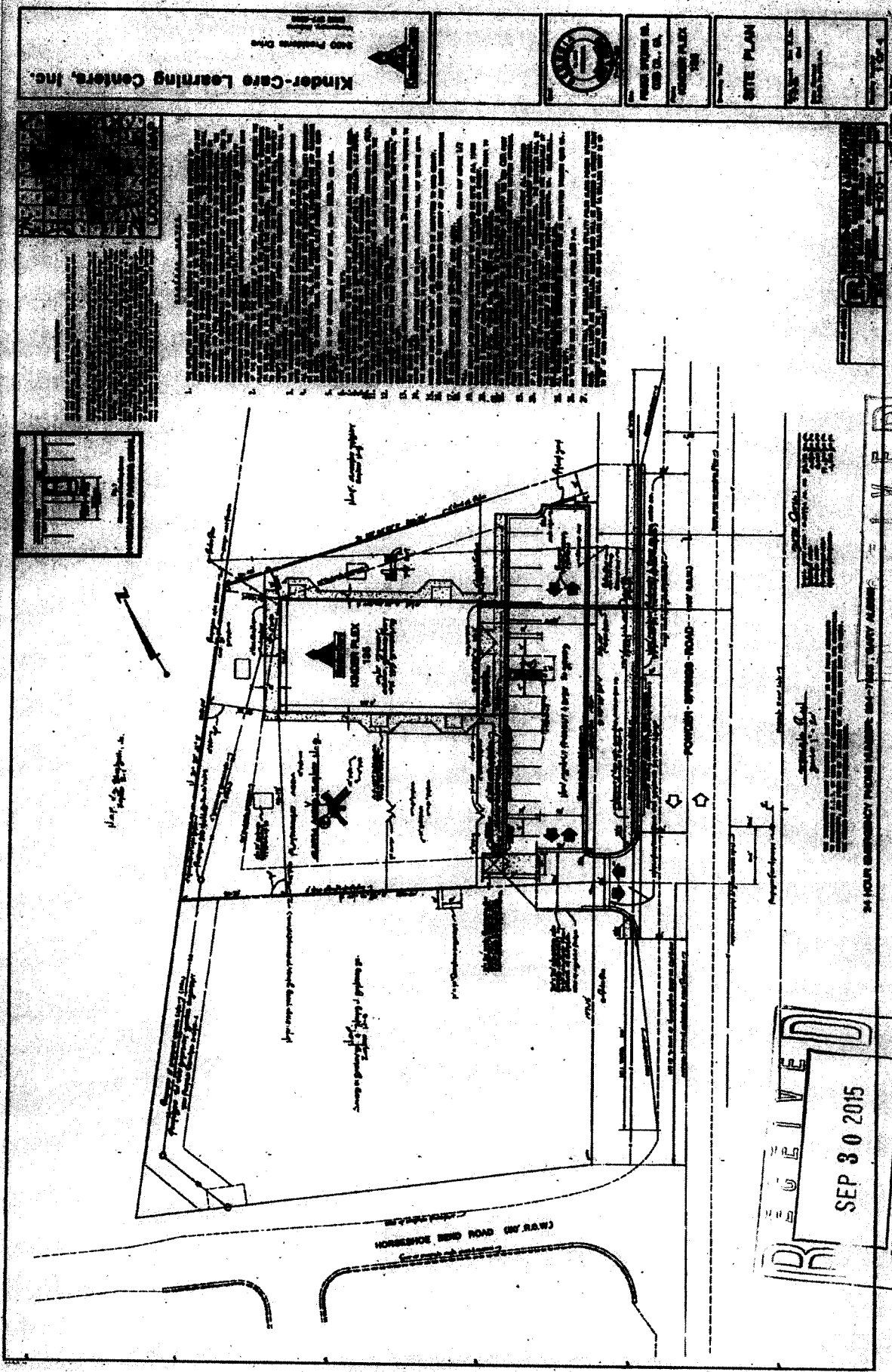
To **approve** Z-101 to the NRC zoning district, subject to:

1. **Site plan received by the Zoning Division on September 30, 2015 (attached and made a part of these minutes)**
2. **Signage to comply with current code including freestanding sign to be made ground based monument style**
3. **Fire Department comments and recommendations**
4. **Water and Sewer Division comments and recommendations**
5. **Stormwater Management Division comments and recommendations**
6. **Cobb DOT comments and recommendations**

CONSENT VOTE: **ADOPTED** unanimously

[Faint, illegible text and stamp]
AUG 16 2015

Mfn. Bk. 77 Petition No. E-101
 Doc. Type site plan
 Meeting Date 12-15-15



	Kinder-Care Learning Centers, Inc. 2000 Peachtree Dunwoody Atlanta, GA 30328		2015 2016	SITE PLAN 1/2" = 1'-0" 1/8" = 1'-0"
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BR
 SEP 30 2015
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

AUG 16 2016
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

24 HOUR SUBMITTAL PERIOD: 8:00 AM - 5:00 PM
 24 HOUR SUBMITTAL PERIOD: 5:00 PM - 8:00 AM

**2015 PAID AD VALOREM PROPERTY TAX
RECEIPT FOR TAX PARCEL
NO. 19069400150**

PAID
AUG 18 2015



CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
 Phone: 770-528-8600
 Fax: 770-528-8679

Printed: 8/15/2016 12:39:38 PM

Cobb County Online Tax Receipt

Thank you for your payment!

Payer:
 KNOWLEDGE UNIVERSE EDUCATION LLC

KC PROPCO LLC

Payment Date: 10/5/2015

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2015	19069400150	10/15/2015	Pay:	N/A or	6178.94
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$6,178.94	\$6,178.94	\$0.00

