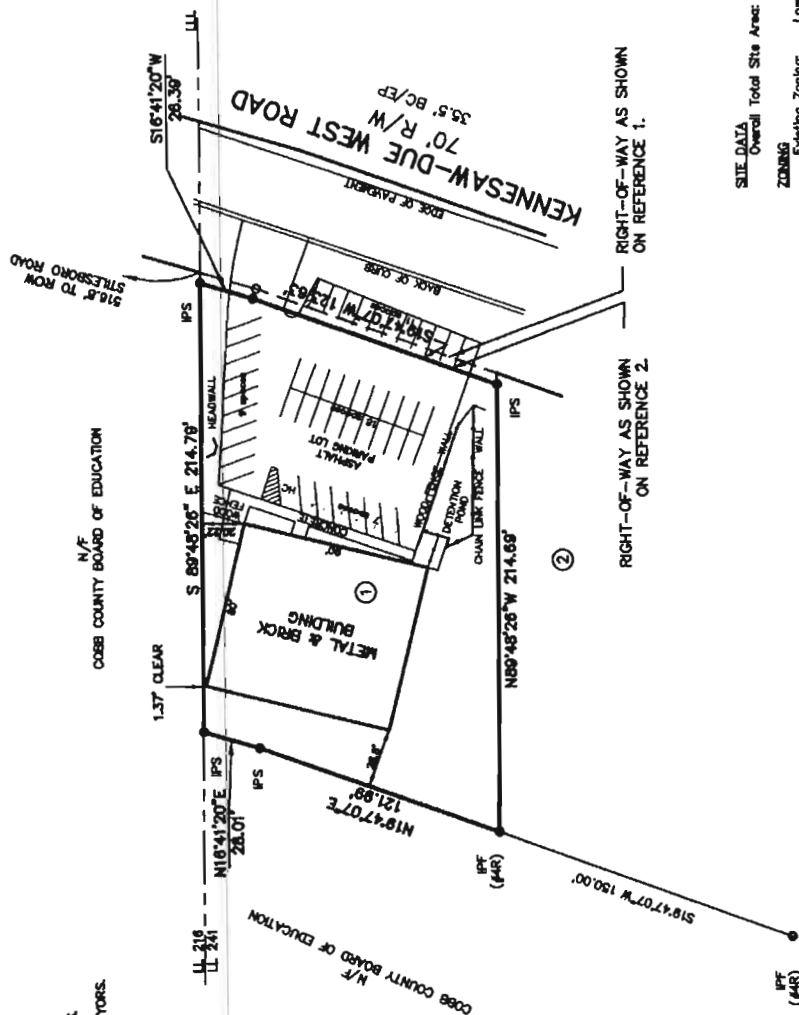


LUP-22  
(2016)



- REFERENCES:
1. REFERENCE PLAT OF SUBDIVISION ENTITLED THOMAS H. EDWARDS SUBDIVISION, DATED JAN. 1969, PREPARED BY WELDER & ASSOC.'S.
  2. REFERENCE PLAN OF SITE DEVELOPMENT, DATED 08-21-92, BY WEST GEORGIA SURVEYORS.



THIS PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY FIA OFFICIAL FLOOD HAZARD MAPS. COMMUNITY PANEL NUMBER 1508700000P, DATED 8-16-92. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000+ FEET AND AN ANGULAR ERROR OF 0.3 PER ANGLE POINT AND WAS ADJUSTED USING BOBE RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 10,000+ FEET.

EQUIPMENT UTILIZED: ANGULAR: TOPCON 303 LINEAR: TOPCON 303

UNLESS OTHERWISE SHOWN THERE ARE NO NATIONAL GEODETIC SURVEY MONUMENTS WITHIN 500 FEET OF THIS PROPERTY.

LARRY D. NEESE, GEORGIA REGISTERED LAND SURVEYOR NO. 2215.

AREA  
30,442 SQ. FT.  
0.699 ACRES



**SITE DATA**  
Overall Total Site Area: 0.699 Acres

**ZONING**  
Existing Zoning: Low Rise Office (LRO)  
Proposed Zoning: Neighborhood Retail Commercial (NRC)

**PARKING**  
Total Spaces Required: 36  
Total Spaces Provided: 40

**CONTACT**  
West Cobb Office Investors, LLC  
Michael Lunnigan  
(770) 617-1559

ZONING PLAT FOR:

LOT: 1	REVISIONS: —
SUBDIVISION THOMAS H. EDWARDS SUBDIVISION	
PLAT BOOK PAGE	
LAND LOT: 241	CC: LT
DISTRICT: 20th	SECTION: 2nd
COURT: COBB	DIMS: RPS
STATE: GEORGIA	CHRG: LDN
DATE: MARCH 31, 2008	99/990231.dwg
SCALE: 1"=40'	JOB: 08-0044

**WEST GEORGIA SURVEYORS, INC.**  
P.O. BOX 828  
Marietta, Georgia 30061  
(770) 428-2122  
FAX: (770) 428-9178

**APPLICANT:** West Cobb Office Investors, LLC

**PETITION NO:** LUP-22

**PHONE#:** (770) 712-2169 **EMAIL:** KFernandez@BenZach.com

**HEARING DATE (PC):** 09-08-16

**REPRESENTATIVE:** Raul Fernandez

**HEARING DATE (BOC):** 09-20-16

**PHONE#:** (770) 712-2169 **EMAIL:** KFernandez@BenZach.com

**PRESENT ZONING:** LRO

**TITLEHOLDER:** West Cobb Office Investors, LLC

**PROPOSED ZONING:** Land Use Permit

**PROPERTY LOCATION:** West side of Kennesaw Due West Road,  
south of Stilesboro Road

**PROPOSED USE:** Dance Studio (Renewal)

(1483 Kennesaw Due West Road)

**ACCESS TO PROPERTY:** Kennesaw Due West Road

**SIZE OF TRACT:** .699 acres

**DISTRICT:** 20

**PHYSICAL CHARACTERISTICS TO SITE:** Exsiting Commercial  
Building

**LAND LOT(S):** 241

**PARCEL(S):** 20

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

**COMMISSION DISTRICT:** 1

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** R-20/ Hayes Elementary School

**SOUTH:** R-20/ Single Family House

**EAST:** R-20/ Single Family House

**WEST:** R-20/ Hayes Elementary School

*Adjacent Future Land Use:*

North: Public Institution (PI)

Southeast: Neighborhood Activity Center (NAC)  
and Low Density Residential (LDR)

South: Public Institution (PI)

Northwest: Public Institution (PI)

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

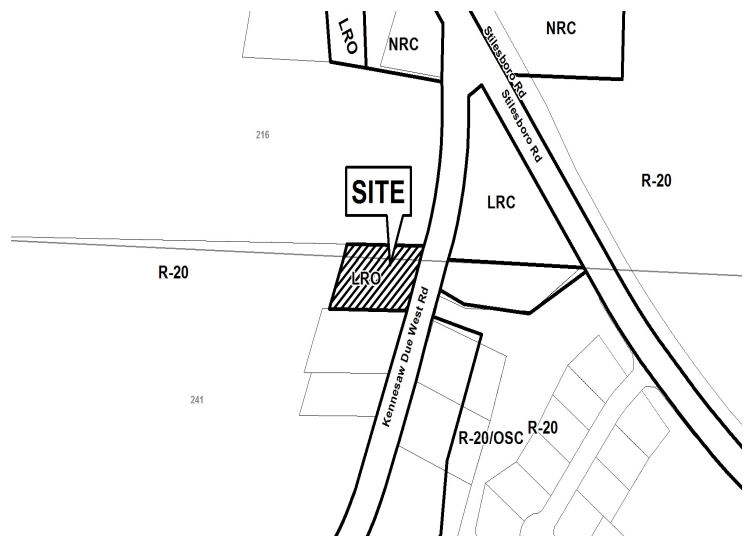
**BOARD OF COMMISSIONERS DECISION**

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

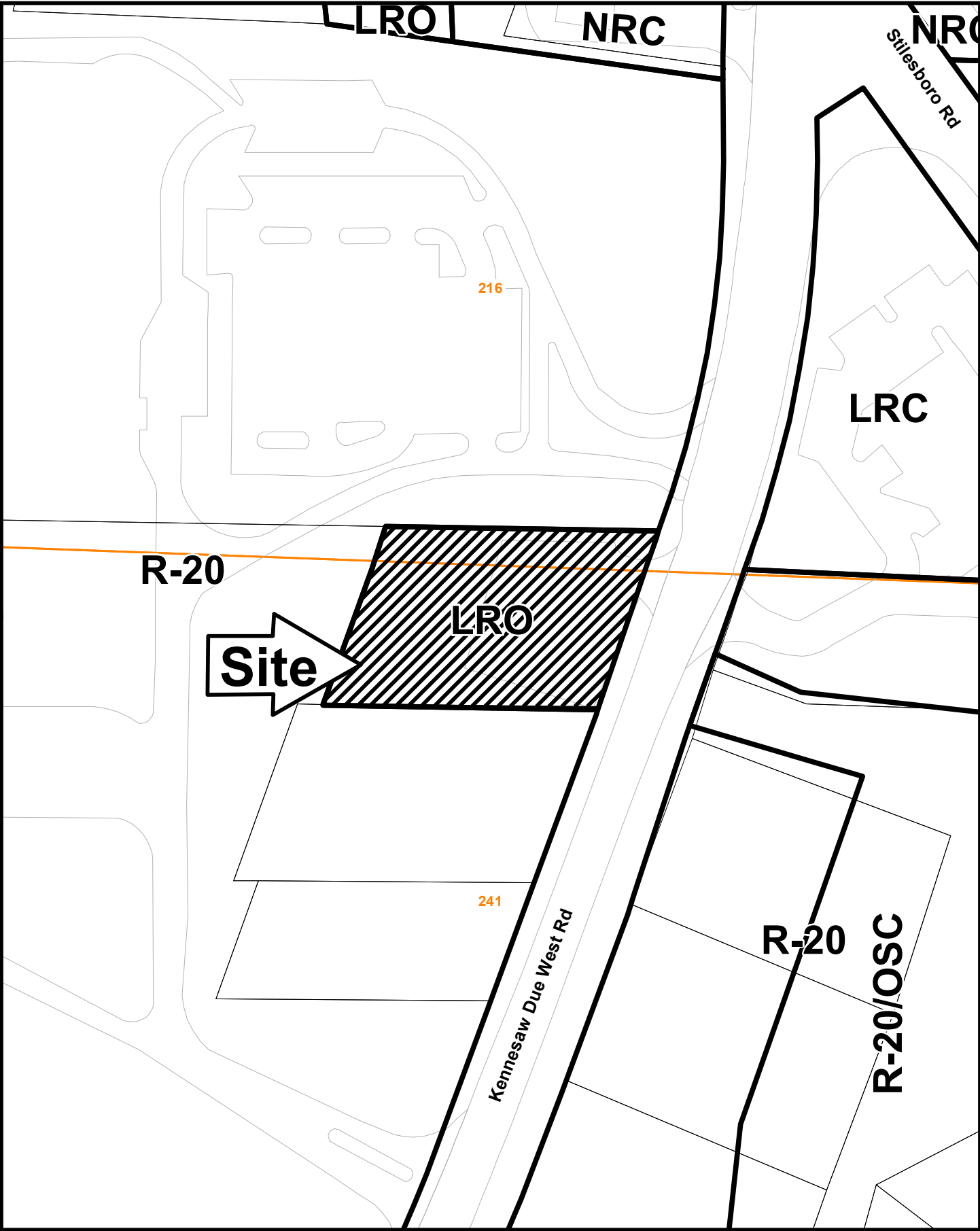
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

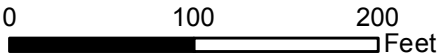
**STIPULATIONS:**





# LUP-22-2016 GIS



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



-  City Boundary
-  Zoning Boundary

**APPLICANT:** West Cobb Office Investors, LLC

**PETITION NO.:** LUP-22

**PRESENT ZONING:** LRO

**PETITION FOR:** LUP

\*\*\*\*\*

**ZONING COMMENTS:** Staff Member Responsible: Donald Wells

The applicant is requesting a Land Use Permit to allow a Dance Studio. The applicant intends to operate Monday through Friday from 9:00 am to 8:00 pm, and 9:00am to 3:00pm on Saturday. They are predicting about 30 customers per day, no more than 150 customers per week. All parking will be in the existing parking lot. All deliveries will be the same as a typical office use. This use was approved back in 2008 as a part of rezoning case Z-24 as an allowable use for as long as the use continued. The applicant is requesting approval for 24 months.

**Historic Preservation:** The southern three quarters of this lot is Park / Recreational / Conservation (PRC) And the remainder is Public Institutional (PI)

**Cemetery Preservation:** There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission’s Inventory Listing which is located in this, or adjacent land lot.

\*\*\*\*\*

**WATER & SEWER COMMENTS:**

No comments. Property served by water and sewer.

\*\*\*\*\*

**TRAFFIC COMMENTS:**

Recommend no parking on the right-of-way.

\*\*\*\*\*

**FIRE COMMENTS:**

No comments. After analyzing the information presented for Preliminary Review, the Cobb County Fire Marshal’s Office is confident that all other items can be addressed during the Plan Review Stage.

**APPLICANT: West Cobb Office Investors, LLC**

**PETITION NO.: LUP-22**

**PRESENT ZONING: LRO**

**PETITION FOR: LUP**

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<b>STORMWATER MANAGEMENT COMMENTS</b>
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No comment (Renewal).

## STAFF RECOMMENDATIONS

### LUP-22      WEST COBB OFFICE INVESTORS, LLC

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 neighborhood.**
- (2) *Parking and traffic considerations.*  
**There are 45 parking spaces located at the property. That should provide sufficient parking and will meet the minimum parking standards required by the code.**
- (3) *Number of nonrelated employees.*  
**There will be 7 employees.**
- (4) *Number of commercial and business deliveries.*  
**1 to 4 deliveries per month.**
- (5) *The general presumption of the board of commissioners that residential neighborhoods should not allow noncompatible business uses.*  
**Not applicable**
- (6) *Compatibility of the business use to the neighborhood.*  
**Not applicable**
- (7) *Hours of operation.*  
**Monday through Friday from 9:00 am to 8:00 pm, and 9:00am to 3:00pm on Saturday.**
- (8) *Existing business uses in the vicinity.*  
**The property is contiguous to an Elementary School and is adjacent to a Rite Aid Pharmacy.**
- (9) *Effect on property values of surrounding property.*  
**Staff does not believe there will be a negative effect on property values.**
- (10) *Circumstances surrounding neighborhood complaints.*  
**There have been no Code Enforcement complaints found on the property.**
- (11) *Intensity of the proposed business use.*  
**This use should not increase traffic in the area.**

**LUP-22 WEST COBB OFFICE INVESTORS, LLC (Continued)**

*(12)Location of the use within the neighborhood.*

**Not applicable**

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

1. If the dance studio business is discontinued, the LUP ceases;
2. For this applicant only;
3. Cobb Department of Transportation comments and recommendations;
4. Fire Department comments and recommendations.

**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.**



Revised October 1, 2009

Application #: LUP-22  
PC Hearing Date: 9-8-16  
BOC Hearing Date: 9-20-16

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

1. Type of business, or request? Dance Studio / Professional Offices
2. Number of employees? 7 employees
3. Days of operation? Monday thru Friday - half day Saturday
4. Hours of operation? Monday to Friday 9am to 8pm Sat 9am to 3pm
5. Number of clients, customers, or sales persons coming to the house per day? 30 ; Per week? 150
6. Where do clients, customers and/or employees park?  
Driveway:  ; Street: \_\_\_\_\_ ; Other (Explain):  
In driveway - parking spots - 34 total
7. Signs? No: \_\_\_\_\_ ; Yes:  . (If yes, then how many, size, and location): 1 sign wood framed 3x10
8. Number of vehicles related to this request? (Please also state type of vehicle, i.e. dump truck, bobcat, trailer, etc.): personal vehicles (cars & personal trucks)
9. Deliveries? No \_\_\_\_\_ ; Yes  (If yes, then how many per day or week, and is the delivery via semi-truck, USPS, Fedex, UPS, etc.)  
Deliveries via UPS, USPS - Fed-ex - 1 to 4 times (month)
10. Does the applicant live in the house? Yes \_\_\_\_\_ ; No
11. Any outdoor storage? No  ; 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  ; 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: [Signature] Date: 7/7/16  
Applicant name (printed): Raul Fernandez




ZONING IMPACT STATEMENT FOR THE TEMPORARY REZONING APPLICATION  
OF WEST COBB OFFICE INVESTORS, LLC

Comes now, West Cobb Office Investors, LLC and pursuant to 134-121(A)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement as follows:

- A. The temporary zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings along this section of the Kennesaw Due West Road Corridor.
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties, many of which are institutional uses, existing commercial developments or properties slated for non-residential development.
- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in the LRO classification in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. We will suffer a significant economic detriment by virtue of the continuation of the present zoning classification of LRO.
- D. The zoning proposal will have no appreciable adverse impact upon the existing County infrastructure including, but not limited to existing streets, transportation facilities, utilities or schools.
- E. The zoning proposal is not entirely consistent with those uses and purposes formerly contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map. However, the property has been used for commercial (GC) or (LRO) purposes since 1992.
- F. There is no substantial relationship between the existing zoning classification of LRO and the public health, safety and general welfare. Additionally, considered in the context of development along this section of the Kennesaw Due West Road Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 7<sup>th</sup> day of July, 2016.

Raul Fernandez

By: 

Raul Fernandez

Owner of West Cobb Office Investors, LLC

