



Case# LUP-12
Public Hearing Dates:
PC: 11-06-18
BOC: 11-20-18

Cobb County Community Development Agency
Zoning Division
1150 Powder Springs St. Marietta, Georgia 30064

SITE BACKGROUND

Applicant: Spurs of Hope, Inc.

Phone: (478) 956-2704

Email: kim@spursofhope.com

Representative Contact: Kim Krummert

Phone: (478) 447-0849

Email: kim@spursofhope.com

Titleholder: George Andrew Montgomery, Jr.

Property Location: Western terminus of Laura Lake Drive, west of Bells Ferry Road

Address: 151 Laura Lake Road

Access to Property: Laura Lake Road

QUICK FACTS

Commission District: 3-Birrell

Current Zoning: R-20 (Single-family Residential)

Current use of property: Single-family house

Proposed use: Equine Therapy (LUP Renewal)

Future Land Use Designation: LDR (Low Density Residential)

Site Acreage: 10.5 ac

District: 16

Land Lot: 715

Parcel #: 17071500020

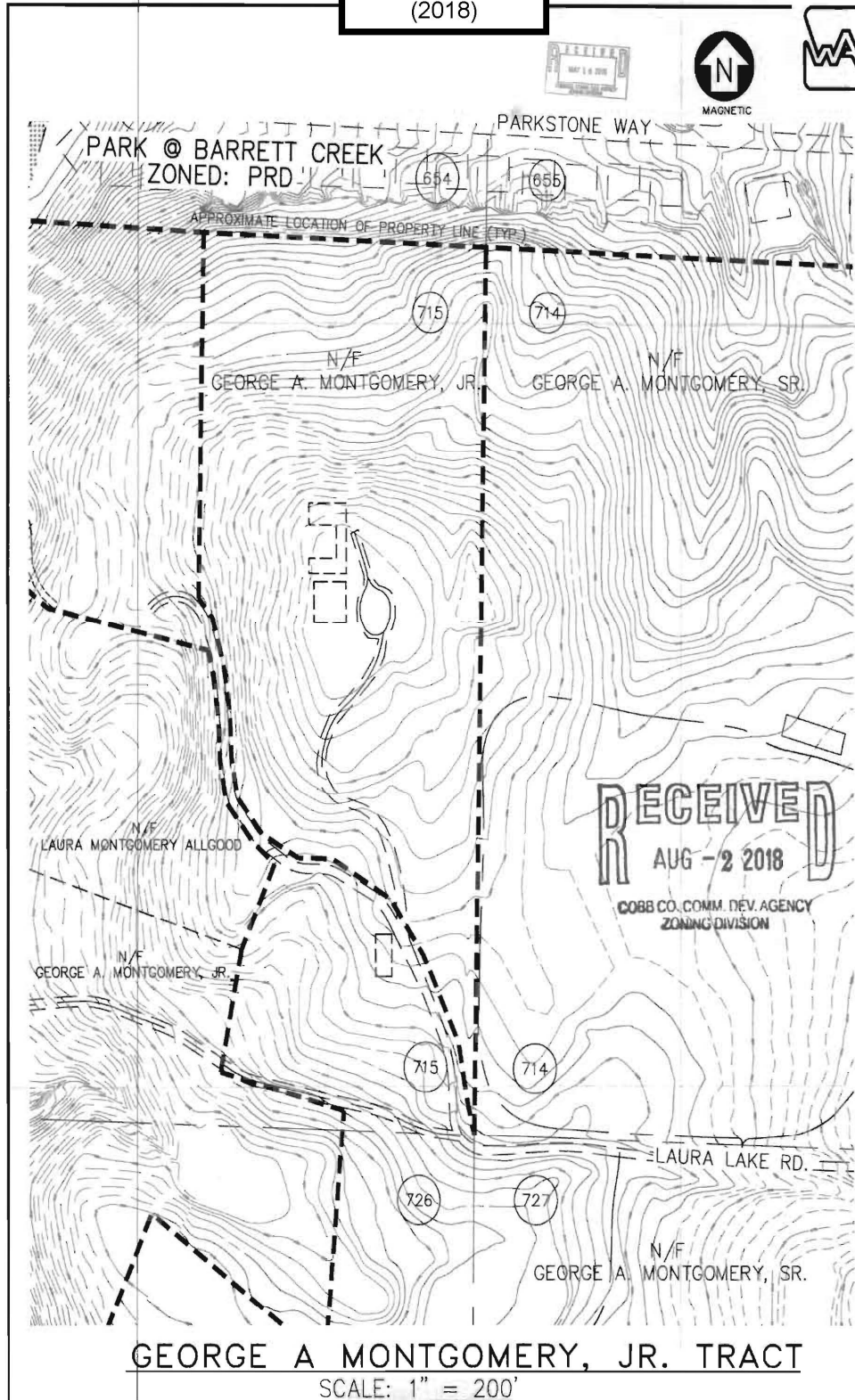
Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION: (Zoning staff member: Tannesha Bates)

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

1. Clients park on the property;
2. Hours of operation to be Tuesday through Saturday only, from 9 a.m. until 6 p.m.;
3. No signs;
4. To comply with all Livestock code requirements;
5. Fire Department comments and recommendations;
6. Stormwater comments and recommendations.

LUP-12
(2018)



GEORGE A MONTGOMERY, JR. TRACT

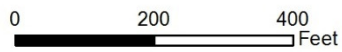
SCALE: 1" = 200'



WALDEN, ASHWORTH & ASSOCIATES, INC.

LUP-12 2018-Aerial Map



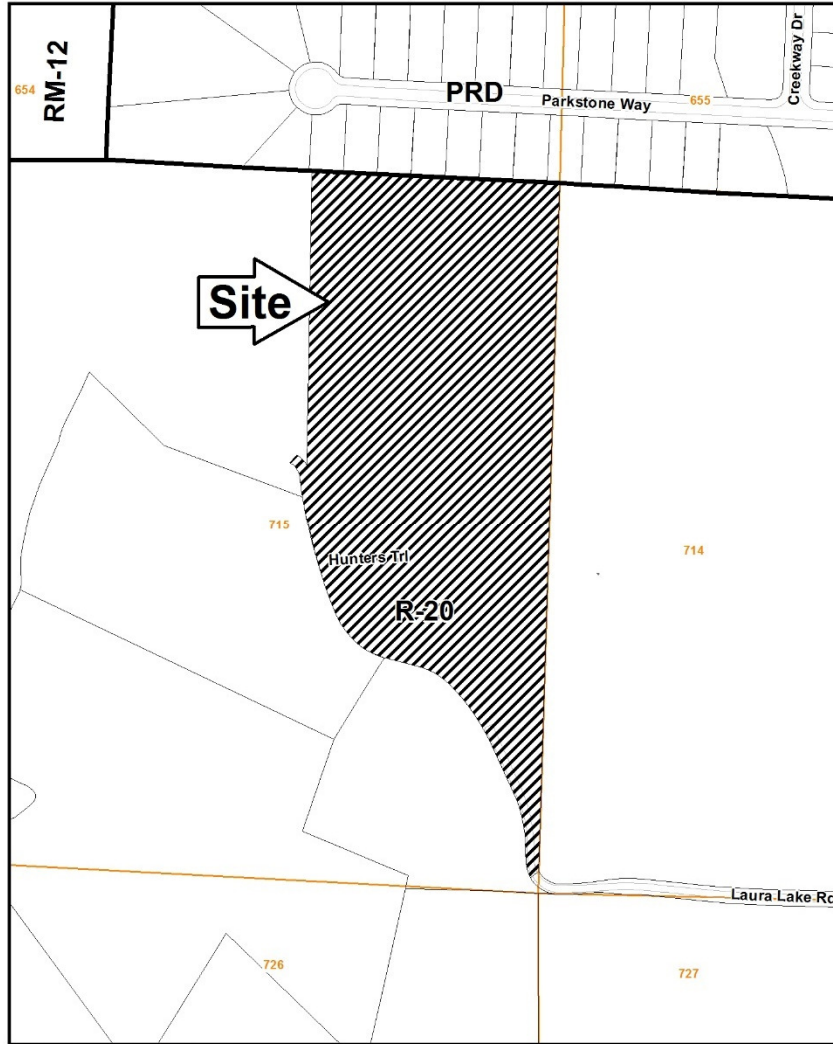
This map is provided for display and planning purposes only. It is not meant to be a legal description.



-  Zoning Boundary
-  City Boundary

North
Zoning: PRD (Single Family Residential)
Future Land Use: MDR (Medium Density Residential)

LUP-12 2018-GIS



WEST
Zoning: R-20
(Undeveloped property)
Future Land Use: LDR (Low Density Residential)

EAST
Zoning: R-20
(Single Family Residential)
Future Land Use: LDR (Low Density Residential)

SOUTH
Zoning: R-20 (Single Family Residential)
Future Land Use: LDR (Low Density Residential)

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The R-20 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the R-20 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

Request for a Temporary Land Use Permit

The Board of Commissioners may permit temporary land use permits for uses that are uniquely located and are considered compatible with adjoining zoning districts and nearby uses for designated periods of time for uses, exceptions or professions in areas, along roadways and within districts where the zoning regulations would otherwise prohibit such operations. Customary home occupations as defined in this chapter, do not require a temporary land use permit.

Summary of the applicant's proposal

The applicant is requesting to renew a Temporary Land Use Permit for 24 months. The request is to operate an equine therapy for foster children. The applicant will have one employee, and one independent contractor on site. The days of operation are Tuesday through Saturday from 9 a.m. until 8 p.m. by appointment only . The applicant estimates 20 clients a week. There will be one business van to accommodate the clients, and off-street parking is available. There will be no signs or deliveries. There have been no Code Enforcement complaints.

DEPARTMENT COMMENTS- Fire Department

A scope of operations must be submitted to the Cobb County Fire Marshal's Office to determine if a certificate of occupancy is required.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

No comment.

DEPARTMENT COMMENTS- Cemetery Preservation

No comment.

DEPARTMENT COMMENTS- School System

No comment.

DEPARTMENT COMMENTS- Stormwater Management

No comment.

DEPARTMENT COMMENTS- Transportation

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

DEPARTMENT COMMENTS- Planning Division

Comprehensive Plan Designation: Consistent Inconsistent

House Bill 489 Intergovernmental Agreement Zoning Amendment Notification

Is the proposal within one-half mile of a city boundary? Yes No

Marietta

Was the city notified? Yes No N/A

Comments:

STAFF ANALYSIS

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

(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 due to the increased traffic from non-residents.

(2) Parking and traffic considerations.

Clients will park in the driveway.

(3) Number of nonrelated employees.

There will be one employee and one independent contractor on site.

(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.

Permitting business uses in residential areas creates traffic and parking concerns.

(6) Compatibility of the business use to the neighborhood.

The fundamental nature of most businesses is not compatible with neighborhoods; however, the use is located on a large tract of land, and the horses are allowed on the property.

(7) Hours of operation.

The hours of operation are 9 a.m. until 6 p.m.; Tuesday through Saturday.

(8) Existing business uses in the vicinity.

There are no known businesses surrounding the property.

(9) Effect on property values of surrounding property.

Staff does not think there will be a negative effect on property values.

(10) Circumstances surrounding neighborhood complaints

There have been no complaints.

STAFF ANALYSIS (Continued)

(11) Intensity of the proposed business use.

The proposed use will have little effect on traffic in the area.

(12) Location of the use within the neighborhood.

The proposal is not located in a platted subdivision and is surrounded by residential uses.

The staff analysis and recommendation 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.

RECEIVED
AUG - 2 2018

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



Revised October 1, 2009

Application #: LUP-12

PC Hearing Date: 11-6-18

BOC Hearing Date: 11-20-18

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

1. Type of business, or request? Equine Therapy for Kids in foster care
2. Number of employees? 1 employee + 1 independent contractor
3. Days of operation? 2 Friday & Saturday
4. Hours of operation? 9:00 am - 4:00 SAT 4:00-8:00pm-Fri
5. Number of clients, customers, or sales persons coming to the house per day? 5-10 ; Per week? 5-20
6. Where do clients, customers and/or employees park?
Driveway: ; Street: _____ ; Other (Explain): _____
7. Signs? No: ; 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 van with kids
9. Deliveries? No ; 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 _____ ; No
11. Any outdoor storage? No ; Yes _____ (If yes, please state what is kept outside): _____
12. Length of time requested (24 months maximum): 24 mo
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: Kim Krummert Date: 7/31/18

Applicant name (printed): Kim Krummert

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COBB COUNTY BOARD OF COMMISSIONERS
JULY 19, 2016
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CONSENT AGENDA (CONT.)

~~Z-60~~ ~~DUNCAN LAND INVESTMENTS, LLC (Spero G. Karas, owner) requesting Rezoning from R-20 to RA-5 for the purpose of a subdivision in Land Lots 594 and 559 of the 16th District. Located on the east side of Bob Bettis Road, on the south side of Brown Circle, and on the north side of Fairview Drive (2712 Bob Bettis Road).~~

~~To approve Z-60 to the RA-5 zoning category, subject to:~~

- ~~1. Site plan received by the Zoning Division on June 14, 2016, with the District Commissioner approving minor modifications (attached and made a part of these minutes)~~
- ~~2. Letter of agreeable conditions from Duncan Land Investments dated June 27, 2016 (attached and made a part of these minutes)~~
- ~~3. Water and Sewer Division comments and recommendations~~
- ~~4. Stormwater Management Division comments and recommendations~~
- ~~5. Department of Transportation comments and recommendations~~
- ~~6. Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns~~

LUP-10 JEFFERY C. SMITH (Jeffery C. Smith, owner) requesting a Land Use Permit (Renewal) for the purpose of selling produce in Land Lot 1054 of the 19th District. Located on the northeast side of Austell Powder Springs Road, southeast of Furr Avenue (4509 Austell Powder Springs Road).

To approve LUP-10 for 24 months, subject to:

1. Fruit stand to be maintained at the side of the primary structure
2. Off-street parking and turn around space to be provided to the side and rear of the existing structures
3. Business activity limited to spring and summer months
4. Department of Transportation comments and recommendations

LUP-12

SPURS OF HOPE, INC. (George Andrew Montgomery, Jr. owner) requesting a Land Use Permit for the purpose of equine therapy for foster children in Land Lot 715 of the 16th District. Located at the western terminus of Laura Lake Road (151 Laura Lake Road).

To approve LUP-12 for 24 months, subject to:

1. Clients park on this property *only*
2. Hours of operation to be Tuesday through Saturday *only*, from 9:00 a.m. until 6:00 p.m.

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JULY 19, 2016
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CONSENT AGENDA (CONT.)

LUP-12

SPURS OF HOPE, INC. (CONT.)

3. No signs
4. Applicant to comply with all livestock code requirements
5. Fire Department comments and recommendations
6. Stormwater Management Division comments and recommendations

O.B. 33

To consider a site plan amendment for Scot Clark regarding rezoning application Z-112 of 1999 (Hawkins Development Corporation), for property located on the west side of Cumberland Parkway, and on the east side of I-285, in Land Lots 816 and 817 of the 17th District. *(Previously continued by the Board of Commissioners at the June 21, 2016 hearing until their July 19, 2016 hearing).*

To approve O.B. 33, subject to:

1. Proposed site plan dated April 5, 2016, with the District Commissioner approving minor modifications (attached and made a part of these minutes)
2. Stormwater Management Division comments: *subject to Plan Review comments for proposed site plan revision*
3. All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

O.B. 36

To consider a stipulation amendment for Johnny L. Roper regarding rezoning application #37 of 1986 (Johnny L. Roper), for property located on the north side of Dallas Road, west of Martin Ridge Drive, in Land Lot 329 of the 20th District.

To approve O.B. 36, subject to:

1. Additional allowable use for a veterinarian
2. All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

CONSENT VOTE: ADOPTED 5-0

Due to the number of opposition present and by general consensus, O.B. 32 was brought forward on this agenda.

Planning Commission Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

_____	_____
_____	_____
_____	_____
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_____	_____
_____	_____

Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____

Board of Commissioners Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

_____	_____
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Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____