PRELIMINARY ZONING ANALYSIS

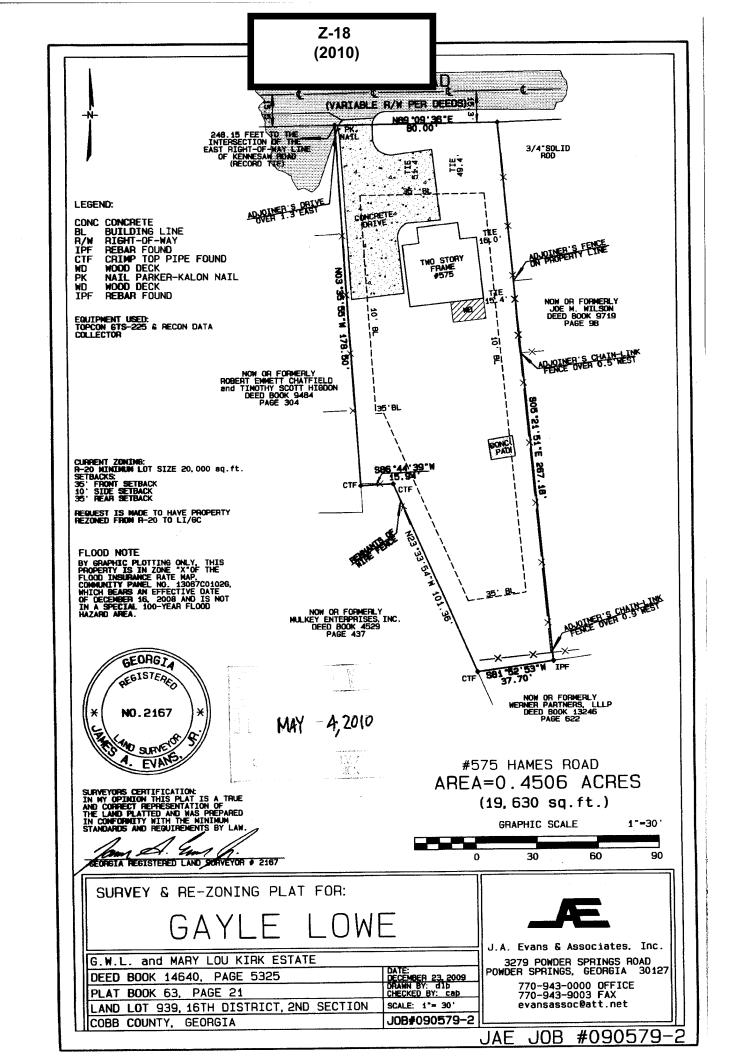
Planning Commission Hearing Date: JULY 8, 2010 Board of Commissioners Hearing Date: JULY 20, 2010

Due Date: MAY 28, 2010

Date Distributed/Mailed Out: May 13, 2010



Cobb County...Expect the Best!



APPLICANT: Randal Lowe Plumbing, LLC	PETITION NO: Z-18
770-499-2296	
REPRESENTATIVE: Sams, Larkin & Huff, LLP	
Garvis L. Sams, Jr. 770-422-7016	
TITLEHOLDER: Gayle A. Lowe	111111111111111111111111111111111111111
	PROPOSED ZONING: GC
PROPERTY LOCATION: Located on the south side of Hames Road,	Therefore Zeran (et al.)
east of Kennesaw Ave	PROPOSED USE: Office With Outside
	Storage
ACCESS TO PROPERTY: Hames Road	·
PHYSICAL CHARACTERISTICS TO SITE:	
	PARCEL(S): 10
	TAXES: PAID X DUE
	COMMISSION DISTRICT:1
CONTIGUOUS ZONING/DEVELOPMENT FUTURE 1	LAND USE MAP: <u>Industrial Compatible</u>
TS 935 RIM-8 Portside Village May SITE Hames Rd	Marietta 933
938 939 R-20	940

os

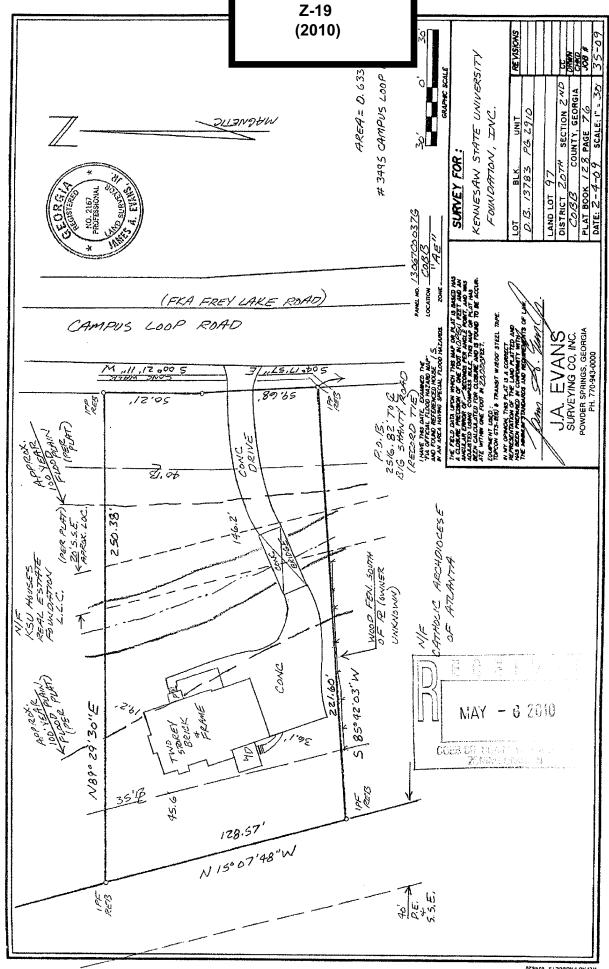
HI

Application	No.	Z-18
A A		2010

Summary of Intent for Rezoning*

	a)	ntial Rezoning Information (attach additional information if needed) Proposed unit square-footage(s):
	b)	Proposed building architecture:
	c)	Proposed solling prices(s):
	d)	Proposed selling prices(s):
	u)	List all requested variances:
rt 2.	Non-re	esidential Rezoning Information (attach additional information if needed)
	a)	Proposed use(s): Offices and attendant outside storage.
	b)	Proposed building architecture: Traditional (as-built)
	<u>c)</u>	Proposed hours/days of operation: Monday through Friday, 8:00 a.m. until 6:00 p.m.
	<u>d)</u>	List all requested variances: None
Part	3. Oth	er Pertinent Information (List or attach additional information if needed)
	The s	ubject property is located within an area under the Future Land Use Map which is shown as
	Indus	trial Compatible ("IC") which contemplates the type of use proposed.
Part		ny of the property included on the proposed site plan owned by the Local, State, or Federal Government?
	(Plea	se list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attac
		learly showing where those properties are located.) None.

*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.



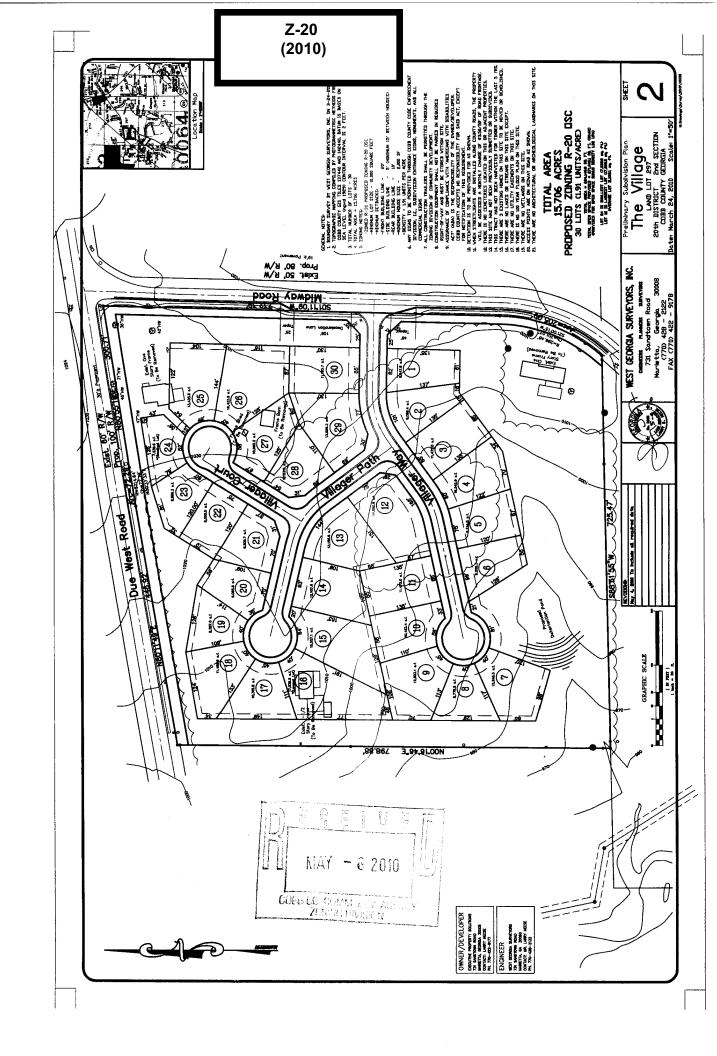
APPLICANT: Kennesaw State University Foundation, Inc.	PETITION NO:	7 10
770-423-6901		
REPRESENTATIVE: W. Robert Heflin, Jr.		
770-423-6901	PRESENT ZONING:	
TITLEHOLDER: Kennesaw State University Foundation, Inc.	TRESERT ZOMING.	K-20
- Remesaw State Chiversity I oundation, Inc.	PROPOSED ZONING:	OI
PROPERTY LOCATION: Located on Campus Loop Road, south of		
Frey Lake Road.	PROPOSED USE:	Office
ACCESS TO PROPERTY: Campus Loop Road	SIZE OF TRACT:	0.6339 acre
	DISTRICT:	20
PHYSICAL CHARACTERISTICS TO SITE: Existing house	LAND LOT(S):	97
	PARCEL(S):	39
	TAXES: PAID X DU	J E
CONTIGUOUS ZONING/DEVELOPMENT	COMMISSION DISTRICT:	_1
	AND USE MAP: Low Density I	Residential
Club Dr	Frey Lake R	
R-20 98 Triple Creek Ct R-20	SITE	Marietta Dr Smyrma Pl



Application No. $\frac{719}{2010}$

Summary of Intent for Rezoning

Part 1.	Resid	ential Rezoning Information (attach additional information if needed)
	a)	Proposed unit square-footage(s):
	b)	Proposed building architecture:
	c)	Proposed selling prices(s):
	d)	List all requested variances:
D. 43	NT.	
Part 2.		residential Rezoning Information (attach additional information if needed) Proposed use(s): General Office Use
	a)	Proposed use(s):
	b)	Proposed building architecture: No change to the exterior of the building.
	c)	Proposed hours/days of operation: 8:00 a.m. to 6:00 p.m., Monday - Friday
	<u>d)</u>	List all requested variances:
Part :	3. Oth	er Pertinent Information (List or attach additional information if needed)
	Five of s	six employees of Cox Family Enterprise would work at teh house from approximately 8:00 a.m., until 6:00 p.m.,, Monday through Friday.
	No one v	would stay overnight at the Property.
Part 4.	 Is an	y of the property included on the proposed site plan owned by the Local, State, or Federal Government?
		se_list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a
		learly showing where these properties are located).
	No.	

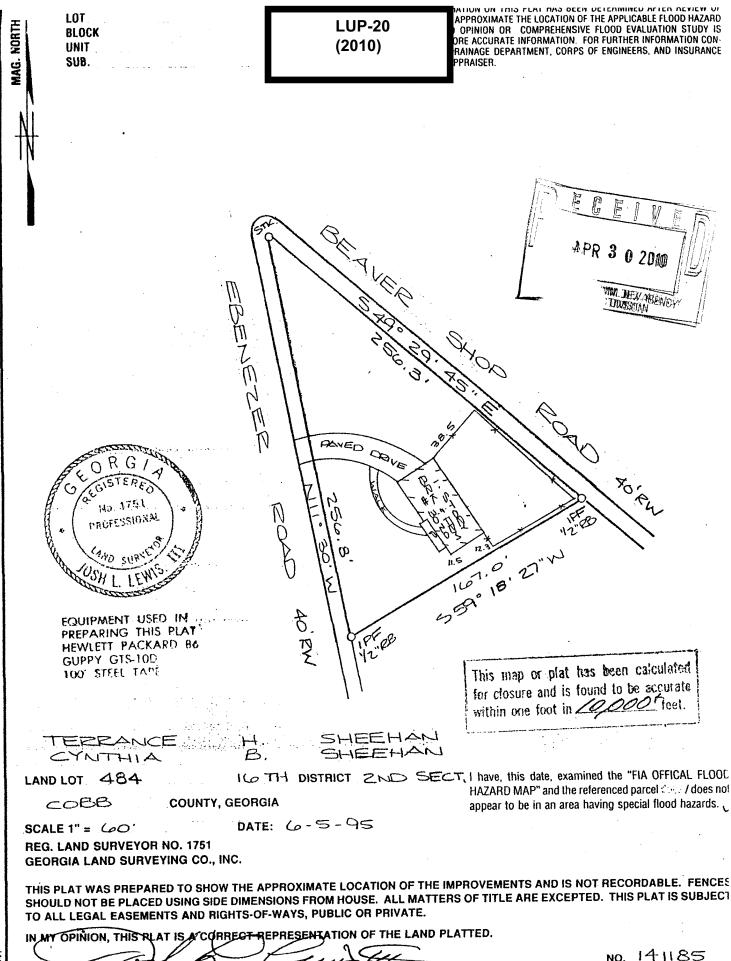


PETITION NO: Z-20 APPLICANT: Larry D. Neese **HEARING DATE (PC):** 7-08-10 770-428-2122 REPRESENTATIVE: Larry D. Neese **HEARING DATE (BOC):** 7-20-10 770-428-2122 PRESENT ZONING: R-30 TITLEHOLDER: Jonathan J. Tucker, Bridgette Tucker, Nancy Tucker Farr PROPOSED ZONING: R-20 OSC **PROPERTY LOCATION:** Located at the southeast intersection of PROPOSED USE: Subdivision Due West Road and Midway Road ACCESS TO PROPERTY: Midway Road **SIZE OF TRACT:** 15.71 acres **DISTRICT:** 20 PHYSICAL CHARACTERISTICS TO SITE: LAND LOT(S): 297 **PARCEL(S):** 9, 18, 20 TAXES: PAID X DUE _____ COMMISSION DISTRICT: _1____ CONTIGUOUS ZONING/DEVELOPMENT **FUTURE LAND USE MAP: Very Low Density Residential** R-30 R-20 R-80 SITE R-30 PRD 311



Summary of Intent for Rezoning

Part 1.	Reside	ential Rezoning Information (attach additional information if needed)
	a)	Proposed unit square-footage(s): 2,000 - 3,500
	b)	Proposed building architecture: Traditional / Craftsman
	c)	Proposed selling prices(s): 275,000 - 450,000
	d)	List all requested variances: Proposed OSC (No variances)
Part 2.	Non-r	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		ner Pertinent Information (List or attach additional information if needed)
	4.	Azrketing directed toward empty-nesters, demanding slity over quanity.



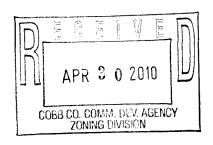
LUP-20

LOT

PETITION NO: LUP-20 **APPLICANT:** Sandra D. Boshak **HEARING DATE (PC):** _____7-08-10 770-321-6858 REPRESENTATIVE: Sandra D. Boshak **HEARING DATE (BOC):** 7-20-10 PRESENT ZONING: R-20 678-591-9093 TITLEHOLDER: Sandra D. Boshak PROPOSED ZONING: ___LUP **PROPERTY LOCATION:** Located at the southeasterly intersection **PROPOSED USE:** Child and Family of Ebenezer Road and Beaver Shop Road Counseling ACCESS TO PROPERTY: Ebenezer Road **SIZE OF TRACT:** 0.41 acres **DISTRICT:** ______16 PHYSICAL CHARACTERISTICS TO SITE: _____ LAND LOT(S): 484 PARCEL(S): ______13 TAXES: PAID X DUE ____ COMMISSION DISTRICT: _3____ CONTIGUOUS ZONING/DEVELOPMENT **FUTURE LAND USE MAP: Low Density Residential** R-20 R-20 Susan Ct R-15_ ဗ္ဂီ R-15 R-20 R-15 SITE Priscilla Dr Debra Ln R-20 R-20 ∵ĽŔO.⊤ R-15 Kerry Creek Dr LRO LRO 524

R-20

RA-5





Application #: LUP-20
PC Hearing Date: 7-8-10

BOC Hearing Date: 7-20-10

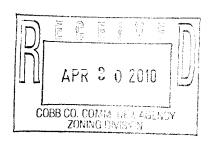
	MILY COUDSELIBL
Number of employees? 2	
Days of operation? <u></u>	ATURDAY
Number of clients, customers, or sales	_
per day? <u>2 - 6</u> ;Per week?	Aprix 20
Where do clients, customers and/or en Driveway:; Street:;	
biliveway, street,	Other (Explain).
Signs? No:; Yes: and location):	(If yes, then how many, size,
Number of vehicles related to this requestion vehicle, i.e. dump truck, bobcat, trails	_
water and the second se	
week, and is the delivery via semi-tru	ick, USPS, Fedex, UPS, etc.)
Deliveries? No; Yes(If week, and is the delivery via semi-true. Does the applicant live in the house? Any outdoor storage? No; Yes is kept outside):	Yes;No;(If yes, please state what
week, and is the delivery via semi-true Does the applicant live in the house? Any outdoor storage? No; Yes	Yes; No;(If yes, please state what
week, and is the delivery via semi-true. Does the applicant live in the house? Any outdoor storage? No; Yes is kept outside):	Yes; No;(If yes, please state what
Does the applicant live in the house? Any outdoor storage? No; Yes is kept outside): Length of time requested: 5	Yes; No; No; No; No; No; No; MASSSACE Additional information if Information information if Information info
Does the applicant live in the house? Any outdoor storage? No; Yes is kept outside): Length of time requested:5/2	Yes; No

LUP-20-2010 Exhibit'A'

M.S.W. COUNSELING, LLC

Melisa White, MSW Sandi Boshak, LCSW Wendi Verzosa, LCSW

2440 Sandy Plains Rd, Bldg 2, Suite 100 ◆ Marietta, GA 30066 (770) 321-6858 Business ◆ (770) 321-2737 Fax



1/19/2010

To whom it may concern:

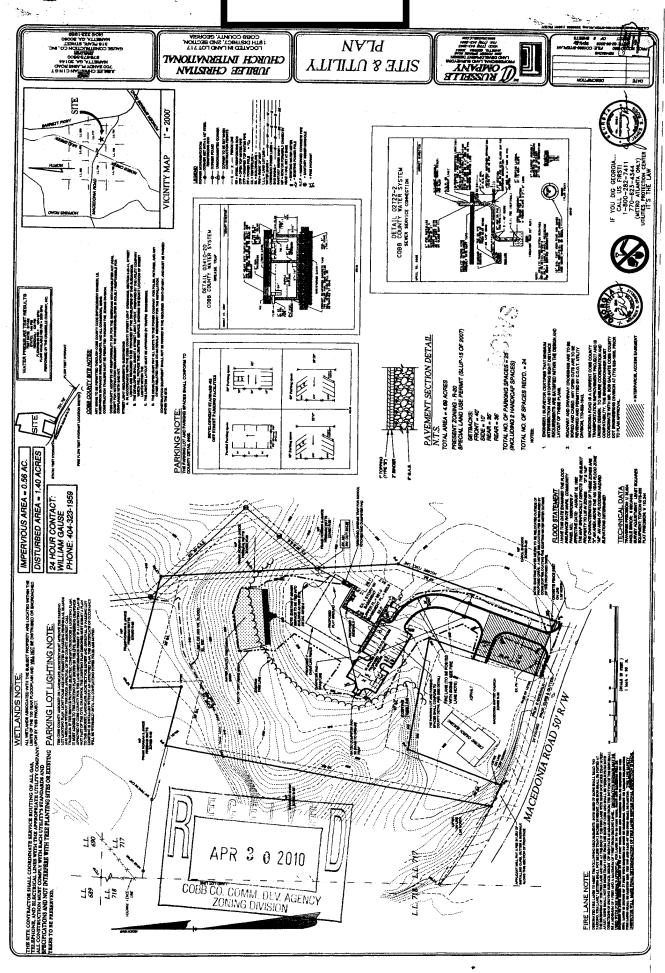
MSW Counseling was located in an office space in Marietta. We felt that due to the age of the children we serve they would be better served in a less sterile atmosphere. All of the children we see love the house because it feels like a home. The value of a warm atmosphere provides much therapeutic advantage as many of these children come from painful situations and they feel safe in our office/house.

We hope that this will suffice to explain the importance of providing a less threatening place for child and family therapy.

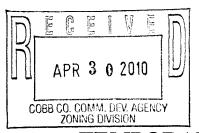
Sande Boshak Les W

Sandy Boshak

LUP-21 (2010)



APPLICANT: Jubilee Christain Church International (Glory	PETITION NO: LUP-21
Tabernacle), Inc.	HEARING DATE (PC): 7-08-10
REPRESENTATIVE: Olajide A. Opaleye	HEARING DATE (BOC): 7-20-10
678-384-0656	PRESENT ZONING: R-20
TITLEHOLDER: Jubilee Christian Church International (Glory	
Tabernacle), Inc.	PROPOSED ZONING: <u>LUP</u>
PROPERTY LOCATION: Located on the north side of Macedonia	(renewal and additional children)
Road, east of Hopkins Road	PROPOSED USE: Child Care Learning
	Center
ACCESS TO PROPERTY: Macedonia Road	SIZE OF TRACT: 4.69 acres
	DISTRICT: 19
PHYSICAL CHARACTERISTICS TO SITE:	LAND LOT(S): 717
	PARCEL(S): 9
	TAXES: PAID X DUE
	COMMISSION DISTRICT: _4
CONTIGUOUS ZONING/DEVELOPMENT FUTURE LAND USE MAP: Public Institutions	al, Low and Medium Density Residential
689 689 Fi.20 SITE 717	716
R-20 763 764 Chancollors Or	LRO 765 NRC

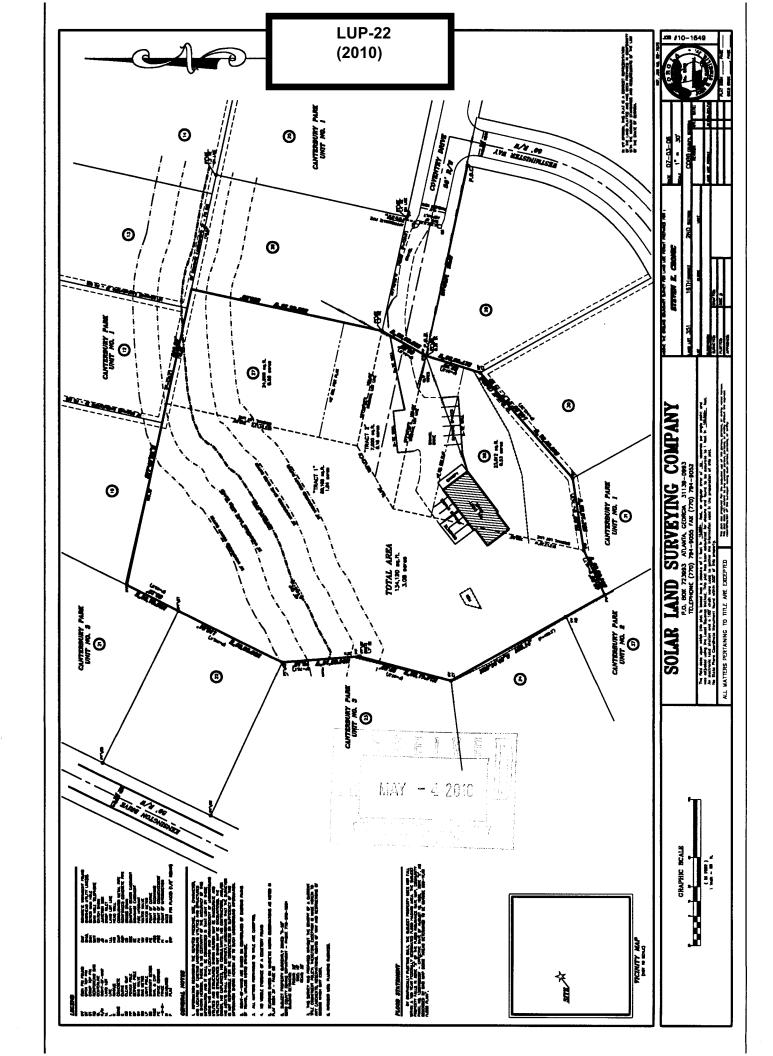




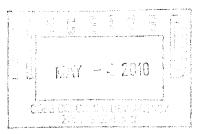
Application #: UP-21
PC Hearing Date: 7-8-10

BOC Hearing Date: 7-20-10

1.	Type of business? Child Care Learning Facility.
2.	Number of employees? 6
3.	Days of operation? Monday - FRI day
4.	Hours of operation? 630/am - 7pm
5.	Number of clients, customers, or sales persons coming to the house per day? 50; Per week?
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.): 15
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. 11.	Does the applicant live in the house? Yes; No Any outdoor storage? No; 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): The Facility has SIUP 15, It is a commercial building with parking facilities
	Applicant signature: Ogale Poly Date: 0480/10
	Applicant name (printed): <u>OLAJIDE A OPALEYE</u>



APPLICANT: Steven K. Cronic	PETITION NO: LUP-22
770-363-3852	HEARING DATE (PC): 7-08-10
REPRESENTATIVE: Sams, Larkin & Huff, LLP	
Garvis L. Sams, Jr. 770-422-7016	
TITLEHOLDER: Steven K. Cronic	
	PROPOSED ZONING: LUP
PROPERTY LOCATION: Located at the western end of Coventry	
Drive, west of Westminister Way	PROPOSED USE: Plumbing Business
ACCESS TO PROPERTY: Coventry Drive	SIZE OF TRACT: 3.08 acres
	DISTRICT: 16
PHYSICAL CHARACTERISTICS TO SITE:	LAND LOT(S):351
	PARCEL(S): 12, 69
	TAXES: PAID X DUE
CONTIGUOUS ZONING/DEVELOPMENT	COMMISSION DISTRICT: _3
	D USE MAP: Low Density Residential
RA-4 369 370 R-15	Whisperwill Dr RA-6 Cambridge Dr RSI RSI NS

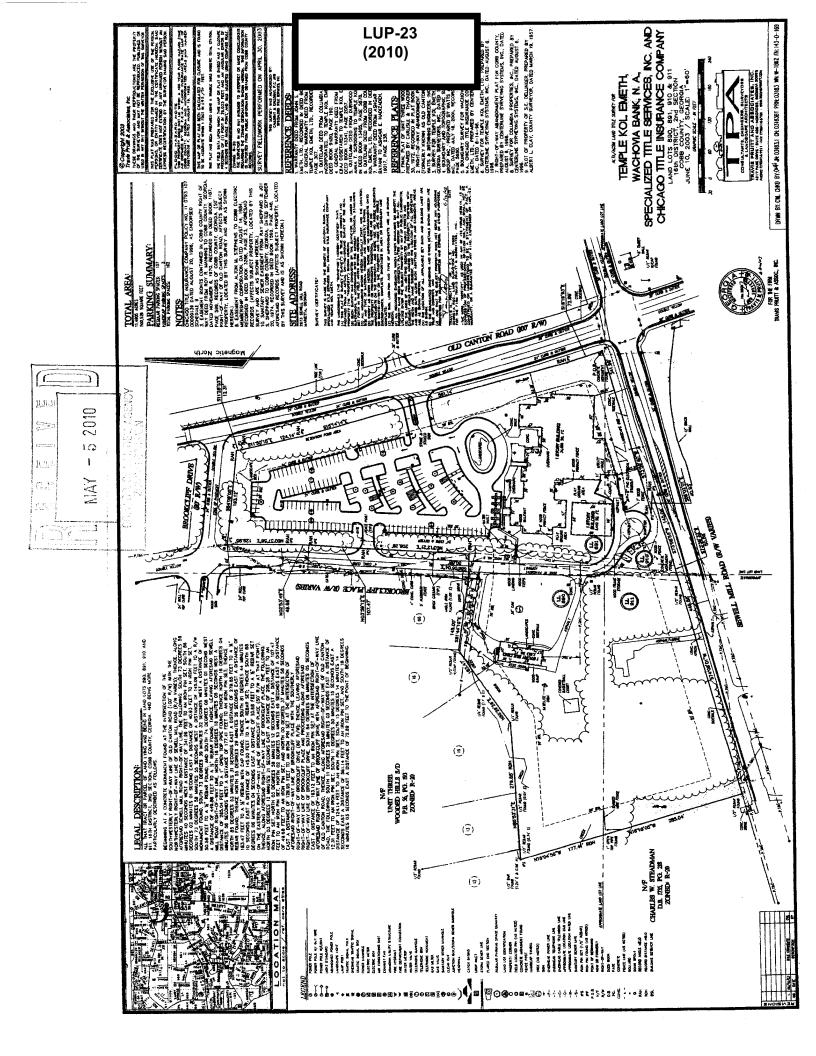




Application #: LUP-22
PC Hearing Date: 7-8-10

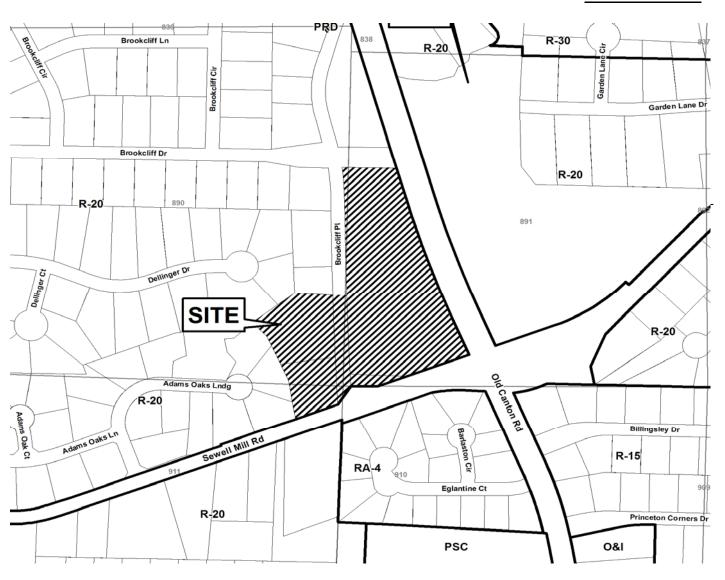
BOC Hearing Date: $7 - \overline{20} - 10$

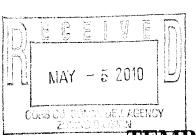
Type of business? Plumbing Business
Number of employees?
Days of operation? Monday through Friday
Hours of operation? 8:00 a.m. – 5:00 p.m.
Number of clients, customers, or sales persons coming to the house per day? None; Per Week? None
Where do clients, customers and/or employees park: Driveway:; Street:; Other (Explain): Inside property – out of sight of neighbors.
Signs? No: XX ; Yes: (If yes, then how many, size, and location):
Number of vehicles related to this request? (Please also state type of vehicle, i.e., dump truck, bobcat, trailer, etc.): 3
Deliveries? No XX ; Yes (If yes, then how many per day or week, and is the delivery via semi-truck, USPS, FedEx, UPS, etc.) Does the applicant live in the house? Yes ; No XX
and is the delivery via semi-truck, USPS, FedEx, UPS, etc.)
and is the delivery via semi-truck, USPS, FedEx, UPS, etc.) Does the applicant live in the house? Yes; No_XX Any outdoor storage? NoXX_; Yes(If yes, please state what
and is the delivery via semi-truck, USPS, FedEx, UPS, etc.) Does the applicant live in the house? Yes; No_XX Any outdoor storage? NoXX; Yes(If yes, please state what is kept outside):
and is the delivery via semi-truck, USPS, FedEx, UPS, etc.) Does the applicant live in the house? Yes; No_XX Any outdoor storage? NoXX; Yes(If yes, please state what is kept outside): Length of time requested:24 months
and is the delivery via semi-truck, USPS, FedEx, UPS, etc.) Does the applicant live in the house? Yes; No_XX Any outdoor storage? NoXX; Yes(If yes, please state what is kept outside): Length of time requested:24 months
and is the delivery via semi-truck, USPS, FedEx, UPS, etc.) Does the applicant live in the house? Yes; No_XX Any outdoor storage? NoXX; Yes(If yes, please state what is kept outside): Length of time requested:24 months
and is the delivery via semi-truck, USPS, FedEx, UPS, etc.) Does the applicant live in the house? Yes; No_XX Any outdoor storage? NoXX; Yes(If yes, please state what is kept outside): Length of time requested:24 months Any additional information? Please attach additional information if needed):



PETITION NO: LUP-23 **APPLICANT:** Temple Kol Emeth **HEARING DATE (PC):** 7-08-10 770-973-9205 REPRESENTATIVE: Smith, Gambrell & Russell, LLP **HEARING DATE (BOC):** 7-20-10 Kathryn M. Zickert 404-815-3704 PRESENT ZONING: R-20 **TITLEHOLDER:** Temple Kol Emeth, LTD PROPOSED ZONING: LUP **PROPERTY LOCATION:** Located at the northeast intersection of PROPOSED USE: Preschool/daycare Old Canton Road and Sewell Mill Road ACCESS TO PROPERTY: Old Canton Road **SIZE OF TRACT:** 5.75 acres **DISTRICT:** _____16 PHYSICAL CHARACTERISTICS TO SITE: _____ **LAND LOT(S):** 890, **891**, 910, **911 PARCEL(S):** 29, **24**, 8, 1 TAXES: PAID X DUE _____ COMMISSION DISTRICT: _3____ CONTIGUOUS ZONING/DEVELOPMENT

FUTURE LAND USE MAP: Pubic Institutional







Application #: LUP-23

PC Hearing Date: 7-8-10

BOC Hearing Date: 7-20-10

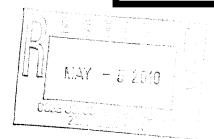
Тур	e of business? Preschool / daycare
Nun	iber of employees? 30 +/-
Day	s of operation? Monday through Friday
Hou	rs of operation? 7:00 am through 6:00 pm
	hber of clients, customers, or sales persons coming to the house day? 80-100 ;Per week?
- Who Driv	ere do clients, customers and/or employees park? veway:X; Street:; Other (Explain): e parking lot
Sign and	s? No:; Yes: (If yes, then how many, size, location): one; by sign for the synagogue; small in size; will comply w/ County Ordinance
	nber of vehicles related to this request? (Please also state type of cle, i.e. dump truck, bobcat, trailer, etc.): N/A
Deli	veries? No; YesX(If yes, then how many per day or
wee	k, and is the delivery via semi-truck, USPS, Fedex, UPS, etc.) mail one time a day in MJCCA minibus
Meal / Doe Any	k, and is the delivery via semi-truck, USPS, Fedex, UPS, etc.)
Meal / Doe Any is ko	k, and is the delivery via semi-truck, USPS, Fedex, UPS, etc.) mail one time a day in MJCCA minibus s the applicant live in the house? Yes_N/A ;No_N/A outdoor storage? No_X ; Yes(If yes, please state what
Meal / Doe Any is ke	k, and is the delivery via semi-truck, USPS, Fedex, UPS, etc.) mail one time a day in MJCCA minibus s the applicant live in the house? Yes_N/A ;No_N/A outdoor storage? No_X ; Yes(If yes, please state what ept outside):
Meal / Doe Any is ke Len Any The will	k, and is the delivery via semi-truck, USPS, Fedex, UPS, etc.) mail one time a day in MJCCA minibus s the applicant live in the house? Yes_N/A; No_N/A routdoor storage? No_X; Yes(If yes, please state what ept outside): gth of time requested: 12 months to 24 months radditional information? (Please attach additional information if ne existing playground in the back of the building will be updated. The playground footprint mot change.
Meal / Doe Any is ke Len Any The will	k, and is the delivery via semi-truck, USPS, Fedex, UPS, etc.) mail one time a day in MJCCA minibus s the applicant live in the house? Yes_N/A; No_N/A routdoor storage? No_X; Yes(If yes, please state what ept outside): gth of time requested: 12 months to 24 months radditional information? (Please attach additional information if ne existing playground in the back of the building will be updated. The playground footprint mot change.
Meal / Doe Any is ke Len Any The will	k, and is the delivery via semi-truck, USPS, Fedex, UPS, etc.) mail one time a day in MJCCA minibus s the applicant live in the house? Yes_N/A ;No_N/A r outdoor storage? No_X ; Yes(If yes, please state what ept outside): gth of time requested: 12 months to 24 months r additional information? (Please attach additional information if ne existing playground in the back of the building will be updated. The playground footprint

LUP-23 (2010) Exhibit "A"

STATEMENT OF INTENT

And

Other Material Required by Cobb County Zoning Ordinance For



A Temporary Land Use Permit for a PreSchool/Child Care Facility pursuant to Section 134-36 of the Cobb County Zoning Ordinance

of

TEMPLE KOL EMETH

for

+/- 5.75 acres of Land located in Land Lot 890, 891, 16th District, Cobb County 1415 Old Canton Road Unincorporated Cobb County

Current Zoning: R-20

Submitted for Applicant by:

Kathryn M. Zickert
Dennis J. Webb, Jr.
Smith, Gambrell & Russell, LLP
Promenade II, Suite 3100
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592
(404) 815-3704 Phone
(404) 685-7004 Facsimile
(404) 815-3620 Phone
(404) 685-6920 Facsiimile
kmzickert@sgrlaw.com
djwebb@sgrlaw.com

INTRODUCTION

For fourteen years Temple Kol Emeth has owned and operated a synagogue at 1415 Old Canton Road in unincorporated Cobb County to the east of the City of Marietta and I-75. The 5.75 acre tract on which it is located is in the northwest quadrant of the intersection of Sewell The tract is directly across Old Canton from Eastminster Mill and Old Canton Roads. Presbyterian Church of Marietta which occupies 14.5 acres of the northeast quadrant of the same The tract adjoins the Wooded Hills R-20 neighborhood to the west but is intersection. completely surrounded by public roads. The Temple property is zoned R-20. However, it is located within a Public/Institutional land use designation on the County's Future Land Use Plan. At present Temple Kol Ementh consists of a 547-family synagogue with accessory uses which has existed at this location since 1996. The total size of the facility, including educational wings and administrative space, is 43,669 square feet. The facility has a 600-700 seat synagogue, 1.3 acres of additional land north of the main tract, an outdoor play area, and a 162 space parking lot. A "Moms' Morning Out" program currently exists within the educational wing of the building and serves from 40 to 80 children of synagogue members, ages 6 weeks to 5 years. Other rooms in this wing at present are used for religious studies. Temple Kol Emeth wishes to expand internally within its existing educational wing to provide a preschool/childcare center for up to 100 children. This center would be operated by the Marcus Jewish Community Center of Atlanta ("MJCCA") which has managed a preschool at its Shirley Blumenthal campus in Cobb County since 1992. Due to a population shift, the Blumenthal facility is to be closed. MJCCA holds the highest national accreditation available for preschool care from the National Association for the Education of Youth and Children which has been renewed annually since 1992. Hours of operation will be 7:00 a.m. to 6:00 p.m. Monday through Friday, although most children (approximately 60) are expected only to attend from 9:30 a.m. to 1:30 p.m. A total of 8,461 square feet of space will be dedicated for this use. Except for improving the surface of an existing enclosed playground, as well as upgrades to its equipment, no external structural changes to the building will be required and no outside storage is contemplated. Temple Kol Emeth will comply with all relevant state and local regulations and secure necessary permits to operate a day care facility. Only a small sign will signify the existence of the facility, and it will comply fully with the Cobb County sign ordinance.

RELEVANT CODE CONSIDERATIONS

The following information is presented to address the factors set forth in Sec. 134-36(g) of the Cobb County Code.

As stated the Moms' Morning Out program has served anywhere between 40 to 80 children on this property. An expansion to facilitate the addition of up to 20 more children should have little or no impact upon the surrounding neighborhood. Indeed, directly across the street, the Eastminster Presbyterian Church received approval in 2009 to operate a child care and preschool center for 100 children between 12 months and 6 years of age. The Board of Commissioners approved a Temporary Land Use Permit for it in August of 2009. The subject site is large enough to accommodate any negligible additional traffic generated by the expansion, and staggered drop-off and pick-up times shall be utilized to avoid any problem with traffic queuing. According to the ITE Trip Generation Manual Code 565, a day care facility with 100 versus 80 children will likely generate 80 instead of 60 a.m. peak hour trips, and 82 instead of 65 p.m. peak hour trips. It is anticipated that the facility will require up to 30 employees; the existing parking lot on site easily will accommodate the staff. Both Old Canton and Sewell Mill Road are arterial roadways and their intersection is signalized.

The 2030 Comprehensive Plan adopted July 23, 2007, and revised most recently on February 9, 2010, is the County's official growth management guide for unincorporated areas of the County. The Comprehensive Plan uses "Character Areas" intended to reflect how distinct portions of the community will develop over the next 20 years. They create a vision for the future of the County which are then implemented through specific goals and policies of the Comprehensive Plan and Future Land Use Plan Map.

The Subject Property is located in a Suburban Residential Character Area. Although composed predominantly of residential uses, these areas also contain supportive buildings which assist in education, service provision, or act as a place of assembly. Thus churches, schools and child care facilities are appropriate community focal points within such a Suburban Residential Character Area.

On the Future Land Use Map this property is denominated as Public/Institutional. This Land Use Character expressly allows a variety of civic or institutional uses such as churches and schools among others.

PRESERVATION OF CONSTITUTIONAL RIGHTS

As owner of the property, the Applicant respectfully submits that the current zoning classification of and rules relative to a synagogue's right to use the existing campus and Subject Property established in the Cobb County Zoning Ordinance, to the extent they prohibit this use, constitute an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the property owners in violation of the due process and equal protection rights of the property owner guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I,

Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

Further, the Applicant respectfully submits that the BOC's failure to approve the requested Special Land Use Permit would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

A refusal to allow the development in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the development in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

Finally, a refusal to allow the proposed day care expansion would violate the Federal Religious Land Use and Institutionalized Persons Act of 2000, in that the Cobb County Zoning Ordinance's requirement for a Special Land Use Permit does not further a compelling

governmental interest; nor is it the least restrictive means of furthering any asserted compelling governmental interest.

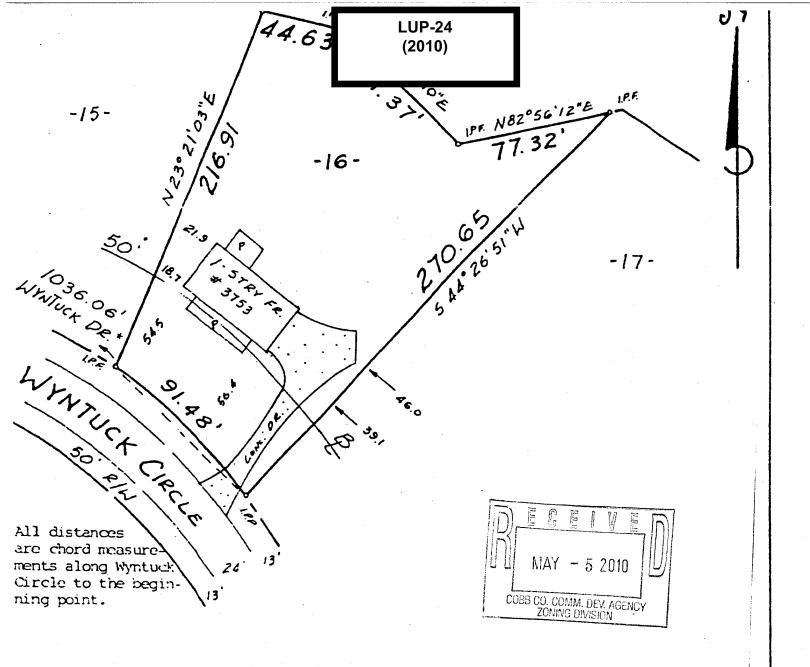
CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that a Special Lane Use Permit be granted. 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.

Respectfully submitted,

Kathryn M. Zickert Attorney for Applicant

LIT\1102758.5



urvey for FULTON FEDERAL SAVINGS & LOAN ASSOCIATION and THOMAS M. HUNT & EPIN L. DRISCOLL HUNT

H property at 3753 Wyntuck Circle

of 16, Due West Station Subdivision, Unit 3, PB-77, Page 64

and Lor 258, 20th District, 2nd Section, Cobb County, Georgia

late: 5/31/83

Scale 1" = 501

THIS PROPERTY (IS) (SHOT) LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY "FIA OFFICIAL FLOOD MAZARD MAPS"

BY ESTON PENDLEY & ASSOC., INC.
REGISTERED LAND SURVEYORS



In my opinion, this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law

Stan Scholus
Member SAMSOG

APPLICANT: Erin O'Driscoll	PETITION NO:	LUP-24
770-428-5021	HEARING DATE (PC):	07-08-10
REPRESENTATIVE: Erin O'Driscoll	HEARING DATE (BOC): _	07-20-10
770-428-5021	PRESENT ZONING:	R-20
TITLEHOLDER: Erin L. Driscoll Hunt a/k/a Erin L. O'Driscoll		
	PROPOSED ZONING: _L	and Use Permit
PROPERTY LOCATION: Located on the north side of Wyntuck		(renewal)
Circle, north of Wyntuck Drive (3753 Wyntuck Circle).	PROPOSED USE:	Child Care
ACCESS TO PROPERTY: Wyntuck Circle	SIZE OF TRACT:	.5 acre
	DISTRICT:	20
PHYSICAL CHARACTERISTICS TO SITE: Existing house	LAND LOT(S):	258
	PARCEL(S):	73
	TAXES: PAID X DU	U E
CONTIGUOUS ZONING/DEVELOPMENT	COMMISSION DISTRICT	:
	SE MAP: Very Low Density Res	<u>idential</u>
Pointe Dr	County Estato	Or .
SITE	100	-

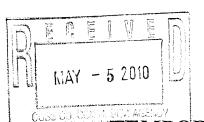
R-30

R-30/OSC

276

Maryhill Ct

R-80



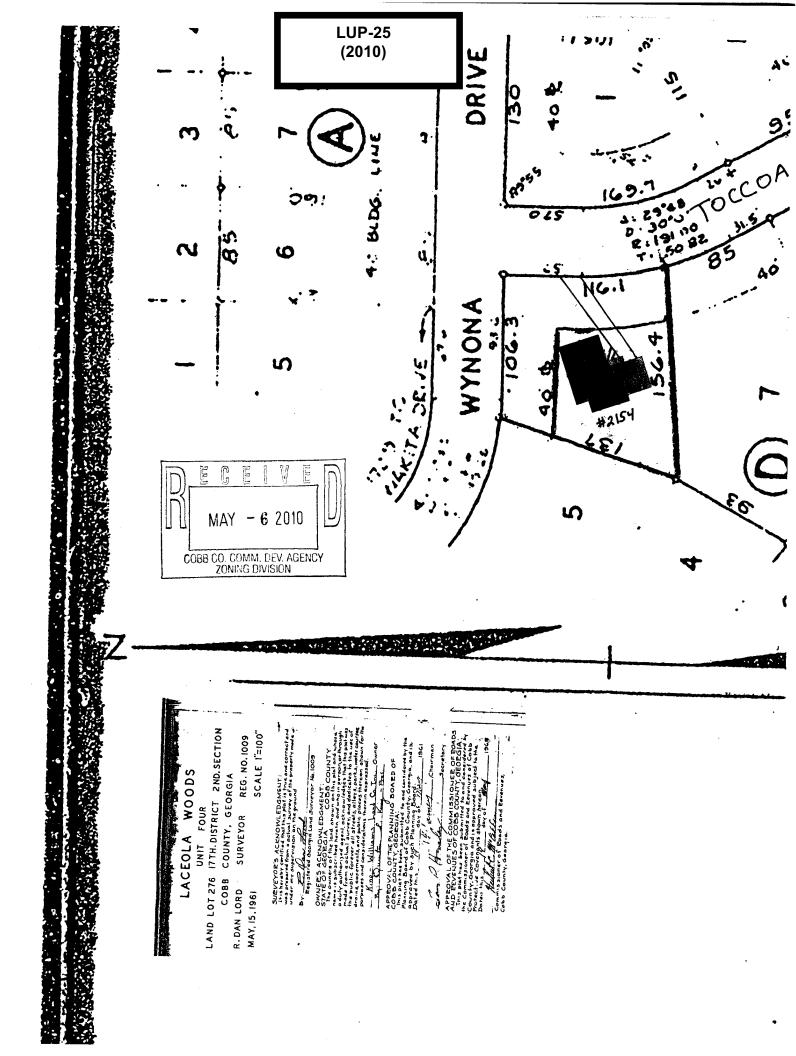


Application #: LUT-24

PC Hearing Date: 7-8-10

BOC Hearing Date: 7-70-10

1.	Type of business? CHILD, CARE			
2.	Number of employees?			
3.	Days of operation?			
4.	Hours of operation? $7-6pM$			
5.	Number of clients, customers, or sales persons coming to the house			
	per day? ;Per week?			
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.):			
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. 11.	Does the applicant live in the house? Yes; No Any outdoor storage? No; Yes(If yes, please state what			
110	is kept outside):			
12.	Length of time requested: 2 yrs or more			
13.	Any additional information? (Please attach additional information if needed):			
	NOTHING WAS CHANGED			
	SAPTE NEIGHBORS			
	Applicant signature: South Ones May 5 10			
	Applicant name (printed): ERINO Driscoll			



APPLICANT: Pedro Arreola	PETITION NO:	LUP-25
678-598-1467	HEARING DATE (PC):	7-08-10
REPRESENTATIVE: Pedro Arreola	HEARING DATE (BOC): _	7-20-10
404-451-5502	PRESENT ZONING:	R-15
TITLEHOLDER: Pedro R. Arreola		
	PROPOSED ZONING: _L	,UP
PROPERTY LOCATION: Located at the southeast intersection of	·	
Wynona Drive and Toccoa Drive	PROPOSED USE: Allow M	ore Three Adults
	And Three Vehicles At This	Property
ACCESS TO PROPERTY: Toccoa Drive	a Drive SIZE OF TRACT: 0.33 acres	
	DISTRICT: 17	
PHYSICAL CHARACTERISTICS TO SITE:	LAND LOT(S): 276	
	PARCEL(S):32	
	TAXES: PAID X D	UE
CONTIGUOUS ZONING/DEVELOPMENT	COMMISSION DISTRICT: _4	
	AND USE MAP: Low Density Residential	
R-20 Pat Mell F	Smyrna	RM 3G0 P
R-20 Peachtree Cir Wynona D	Proceeds	

SITE

229

Fleur Dr

R-15

Olive Ln

R-15

R-20

276

Wynona Dr

Deer Creek Tri