

**APRIL 17, 2012 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM # 3

PURPOSE

To consider a stipulation and site plan amendment for Mr. Rex Horney regarding rezoning application Z-32 (Rex Horney) of 2009, for property located at the northwesterly intersection of Canton Road and Hawkins Store Road in Land Lots 228, 277 and 278 of the 16th District.

BACKGROUND

The subject property was zoned CRC with stipulations for a gymnastics training facility in 2009 subject to many stipulations. One of the zoning stipulations requires any change in use be approved by the Board of Commissioners as an Other Business Item. In October of 2012, the Board of Commissioners approved a change in use to a volleyball practice facility. However, the volleyball user did not work out. The applicant is requesting a change in use to allow a business that caters to children’s birthday parties to use the property. If approved, all other zoning stipulations would remain in effect. The Board of Commissioners' decision is attached.

FUNDING

N/A

RECOMMENDATION

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

ATTACHMENTS

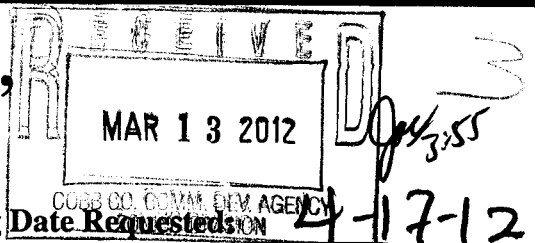
Other Business application and rezoning stipulations

Application for "Other Business"

Cobb County, Georgia

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

BOC Hearing Date Requested: 4-17-12

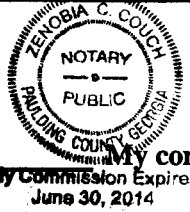


Applicant: Rex HORNEY Phone #: 678-409-4898
 (applicant's name printed)

Address: _____ E-Mail: REX.HORNEY@YAHOO.COM

REX HORNEY Address: 3141 ROCKMONT LN. MARIETTA, GA. 30066
 (representative's name, printed)

Rex Horney Phone #: SAME E-Mail: SAME
 (representative's signature)

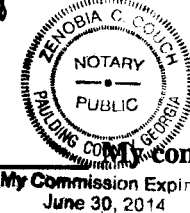


Signed, sealed and delivered in presence of:
Zenobia Couch My commission expires: 06/30/2014
 Notary Public My Commission Expires June 30, 2014

Titleholder(s): Rex HORNEY Phone #: SAME
 (property owner's name printed)

Address: SAME E-Mail: SAME

Rex Horney
 (Property owner's signature)



Signed, sealed and delivered in presence of:
Zenobia Couch My commission expires: 06/30/2014
 Notary Public My Commission Expires June 30, 2014

Commission District: 3 Zoning Case: 7-32

Date of Zoning Decision: 10-19-11 Original Date of Hearing: 11-17-09

Location: 775 HAWKINS STORE ROAD KENNESAW, GA.
 (street address, if applicable; nearest intersection, etc.)

Land Lot(s): 277+228 District(s): 16

State specifically the need or reason(s) for Other Business:
CHANGE TENANT FROM VOLLEY ONE VOLLEY BALL
TO SNOWIE JOE'S (CHILDRENS BIRTH DAY PARTIES
AND JUMP HOUSE)

(List or attach additional information if needed)

ORIGINAL DATE OF APPLICATION: 11-17-09APPLICANTS NAME: REX E. HORNEY

**THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**

BOC DECISION OF 10-19-11 ZONING HEARING:

**OTHER BUSINESS ITEM #3 – TO CONSIDER A STIPULATION AND SITE PLAN
AMENDMENT FOR MR. REX HORNEY REGARDING REZONING APPLICATION Z-
32 OF 2009 (REX HORNEY)**

To consider a stipulation and site plan amendment for Mr. Rex Horney regarding rezoning application Z-32 of 2009 (Rex Horney), for property located at the northwesterly intersection of Canton Road and Hawkins Store Road in Land Lots 228, 277 and 278 of the 16th District.

Mr. John Pederson, Zoning Division Manager, provided information regarding a site plan and stipulation amendment. The public hearing was opened and Mr. William Floyd, Ms. Carol Brown, Ms. Linda Thomas and Mr. Rex Horney addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Ott, to **approve** Other Business Item No. 3 for site plan and stipulation amendment regarding rezoning application Z-32 of 2009 (Rex Horney), for property located at the northwesterly intersection of Canton Road and Hawkins Store Road in Land Lots 228, 277 and 278 of the 16th District, **subject to:**

- **the Certificate of Occupancy to be withheld until such time as the below stipulations have been fulfilled, and should the Applicant/Owner fail to comply with stipulations the permits will be revoked and Cobb County will enter into litigation to remove structure and the zoning of property reverts back to original zoning (Z-174 of 2005)**
- **allowance of volleyball organization training facility as a permitted use in the existing 8,100 square foot structure *only***
- **final site plan to be approved by the District Commissioner**
- **any future site plan amendments or future additions to come back to the full Board of Commissioners for approval as an Other Business Item**
- **approval of entrance to align with Farrington Drive, as recommended by Cobb DOT and the Fire Marshall**
- **as shown on October 17, 2011 site plan as *Phase Two*, the Applicant/Owner to remove the concrete slab and the plumbing is to be capped below grade (to be completed within ninety (90) days of this decision)**
- **Representative stated this is not a tournament or event facility and there are no plans for this, but if parking becomes a problem on Farrington Drive, the Applicant/Owner is to install “No Event Parking” signs along the right-of-way of Farrington Drive, across from the property and is to reimburse Cobb County DOT for such costs**

ORIGINAL DATE OF APPLICATION: 11-17-09APPLICANTS NAME: REX E. HORNEY

**THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**

BOC DECISION OF 10-19-11 ZONING HEARING (Continued):

**OTHER BUSINESS ITEM #3 - TO CONSIDER A STIPULATION AND SITE PLAN
AMENDMENT FOR MR. REX HORNEY REGARDING REZONING APPLICATION Z-
32 OF 2009 (REX HORNEY)**

- exterior improvements to be completed within thirty (30) days of this decision (November 18, 2011), this includes immediate removal of the truck trailer and greenhouse from the subject property, completion of the brick facade on wall facing Canton Road, doors and windows to be installed and a porch with awning to be installed over the entrance door
- interior improvements to be completed within ninety (90) days of this decision (January 6, 2012), to include building interior - floors, bathrooms, fire sprinkler system, voice activated alarm; as well as entrance, driveway and additional parking (26 parking spaces currently shown and 14 more are needed for total of 40 for the 8,100 square foot building/use), with landscaping to be approved by County Arborist and the District Commissioner
- all revisions and/or minor modifications to be approved by the District Commissioner
- Applicant/Owner to meet with Stormwater Management Division representative to review location of proposed additional parking, with final approval in Plan Review
- installation of sidewalks along Canton Road frontage
- all previous stipulations and conditions, *not otherwise in conflict*, to remain in effect (reference Z-32 of 2009 and Z-174 of 2005)

VOTE: **ADOPTED 3-2 (Goreham and Ott opposed)**