

PRELIMINARY ZONING ANALYSIS

Planning Commission Hearing Date: July 8, 2013
Board of Commissioners Hearing Date: July 16, 2013

Due Date: May 31, 2013

Date Distributed/Mailed Out: May 13, 2013



Cobb County...Expect the Best!

APPLICANT: 4035 Canton Road, LLC

(404) 406-3331

REPRESENTATIVE: Abb Itom

(404) 444-8174

TITLEHOLDER: 4035 Canton Road, LLC

PROPERTY LOCATION: Northwest side of Canton Road, south of

Hawkins Store Road

(4035 Canton Road)

ACCESS TO PROPERTY: Canton Road

PHYSICAL CHARACTERISTICS TO SITE: _____

CONTIGUOUS ZONING/DEVELOPMENT

PETITION NO: Z-30

HEARING DATE (PC): 07-08-13

HEARING DATE (BOC): 07-16-13

PRESENT ZONING: GC

PROPOSED ZONING: CRC

PROPOSED USE: Light Auto Repair/Tire

Sales and Service

SIZE OF TRACT: 0.52 acres

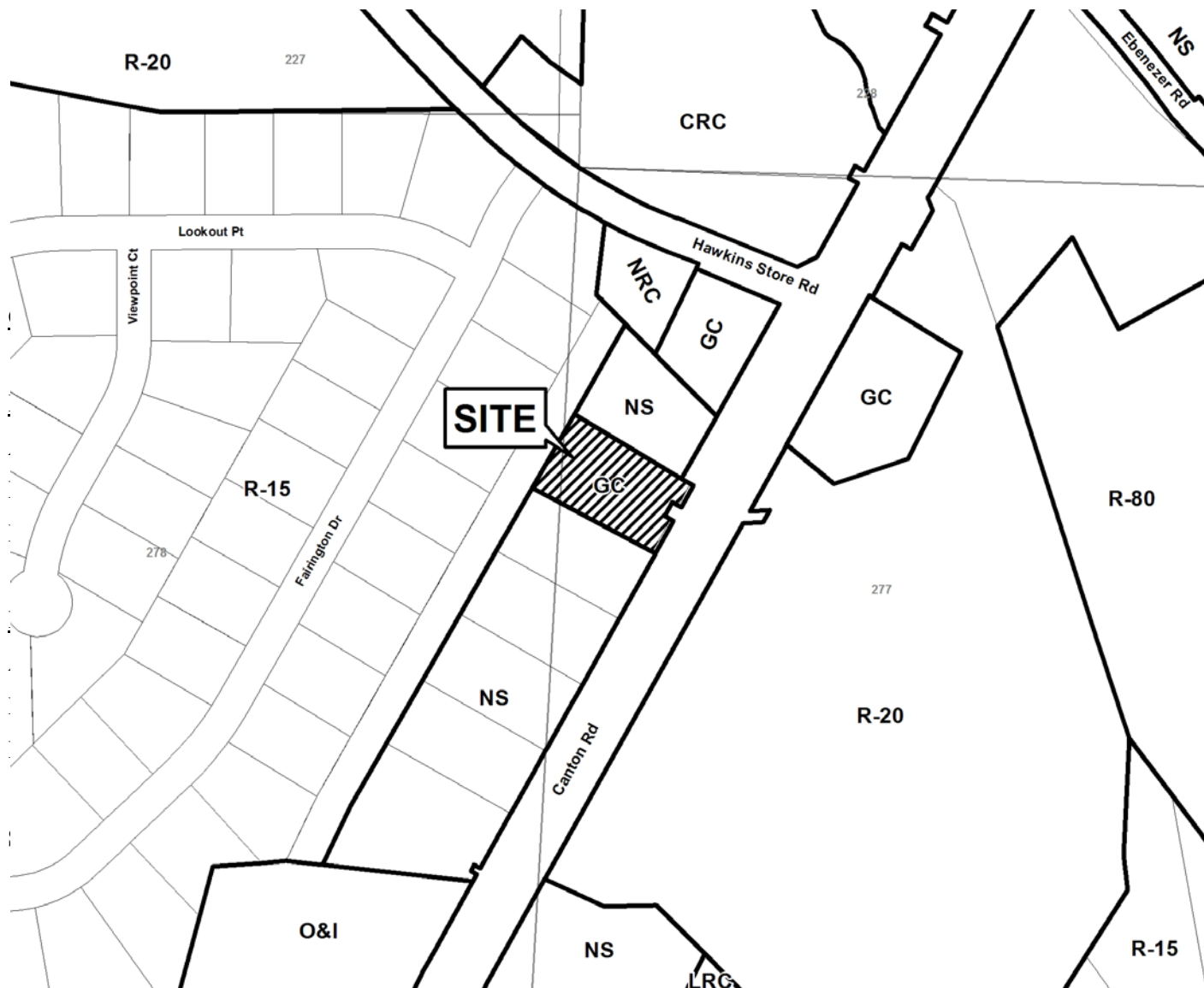
DISTRICT: 16

LAND LOT(S): 277,278

PARCEL(S): 9

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3



COBB COUNTY GEORGIA
FILED IN OFFICE

2013 APR 29 PM 1:35

Application No. 230

July
2013

COBB COUNTY ZONING DIVISION
Summary of Intent for Rezoning

.....
Part 1. Residential 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: _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Light automotive / Tire sales
and service.
b) Proposed building architecture: _____
c) Proposed hours/days of operation: Monday - Saturday
8am - 6pm
d) List all requested variances: _____

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

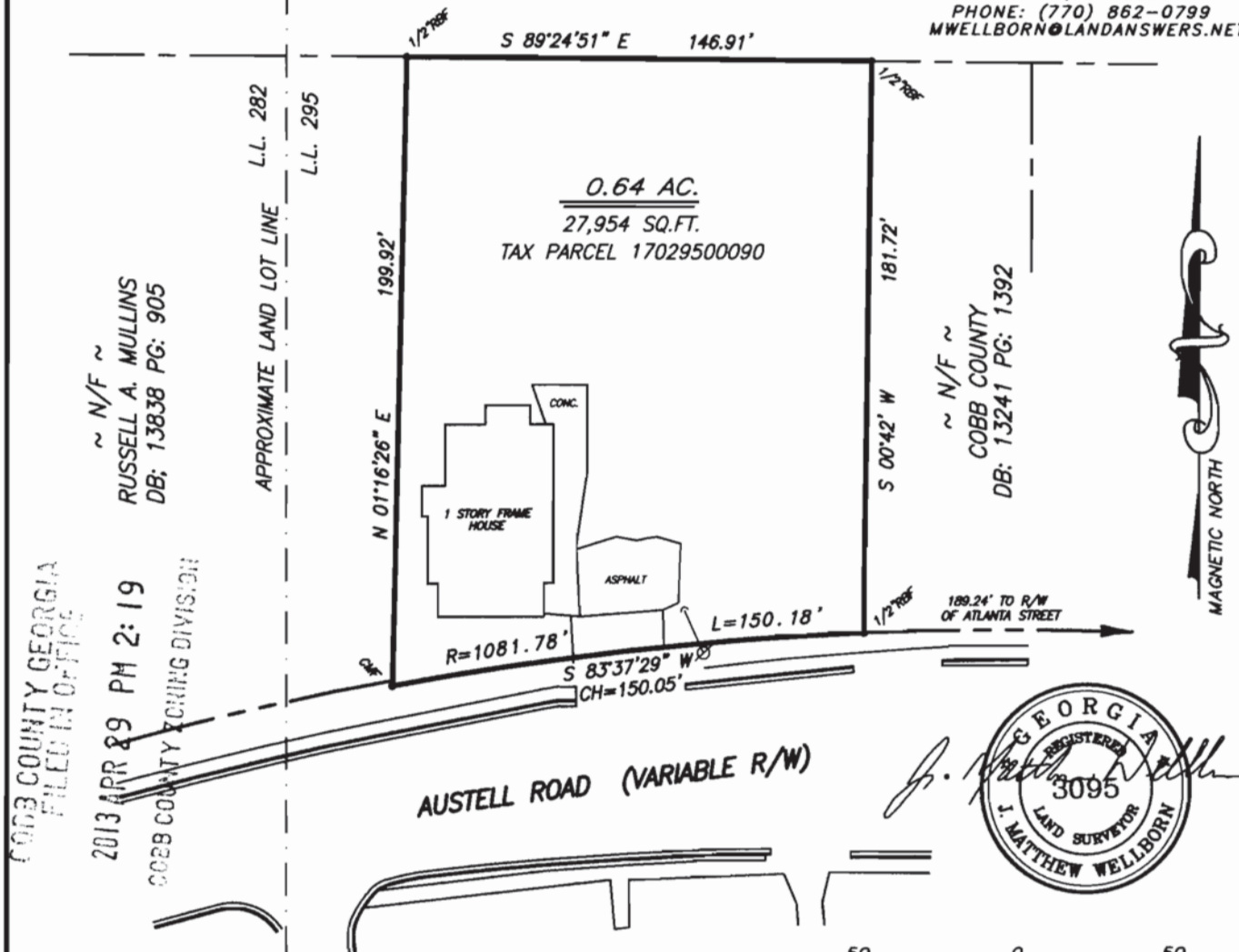
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). N/A

Z-31
(2013)

DOROTHY L. MILLER
DB: 6302 PG: 445

LAND ANSWERS, LLC

773 CHANSON DRIVE
MARIETTA, GA 30064
PHONE: (770) 862-0799
MWELLBORN@LANDANSWERS.NET



SURVEYOR'S NOTES

1. THE FIELD DATA ON WHICH THIS PLAT IS BASED WAS COMPLETED ON 4/26/13
2. THE FIELD DATA ON WHICH THIS PLAT IS BASED HAS A CLOSURE OF ONE FOOT IN 50,000+ FEET AND AN ANGULAR ERROR OF 1" PER ANGLE, AND WAS ADJUSTED USING LEAST SQUARES.
3. THE LINEAR AND ANGULAR MEASUREMENTS SHOWN ON THIS PLAT WERE OBTAINED BY FIELD SURVEY USING A TOPCON 3003 ELECTRONIC TOTAL STATION.
4. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET.
5. LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES ARE PROVIDED BY VISIBLE ACCESSIBLE FIELD EVIDENCE. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS SURVEY. UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS CONSULTANTS, AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THIS SURVEYOR IS NOT RESPONSIBLE FOR THE SUFFICIENCY OF THE UNDERGROUND UTILITY INFORMATION PROVIDED HEREON.



SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT WAS BASED WERE MADE IN ACCORDANCE WITH THE MINIMUM STANDARD DETAIL REQUIREMENTS FOR THE STATE OF GEORGIA AND PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY THE STATE OF GEORGIA AND IN EFFECT ON THE DATE OF THIS CERTIFICATION.



ANSWERS

SURVEYORS-PLANNERS-CONSULTANTS
WWW.LANDANSWERS.NET

BOUNDARY SURVEY FOR:
RICHARD SPEARMAN
MARIE SPEARMAN

LAND LOT 295 ~ 17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

DRAWN BY: BDD

APPROVED BY: JMW

DATE: 4-27-13

PROJECT # 12902
SPEARMAN.DWG

APPLICANT: Richard Spearman

(404) 787-8617

REPRESENTATIVE: Richard Spearman

(404) 787-8617

TITLEHOLDER: Richard Spearman and Marie Spearman

PROPERTY LOCATION: North side of Austell Road, west of

Atlanta Road

(1286 Austell Road)

ACCESS TO PROPERTY: Austell Road

PHYSICAL CHARACTERISTICS TO SITE: _____

CONTIGUOUS ZONING/DEVELOPMENT

PETITION NO: Z-31

HEARING DATE (PC): 07-08-13

HEARING DATE (BOC): 07-16-13

PRESENT ZONING: GC

PROPOSED ZONING: CRC

PROPOSED USE: Retail

SIZE OF TRACT: 0.64 acres

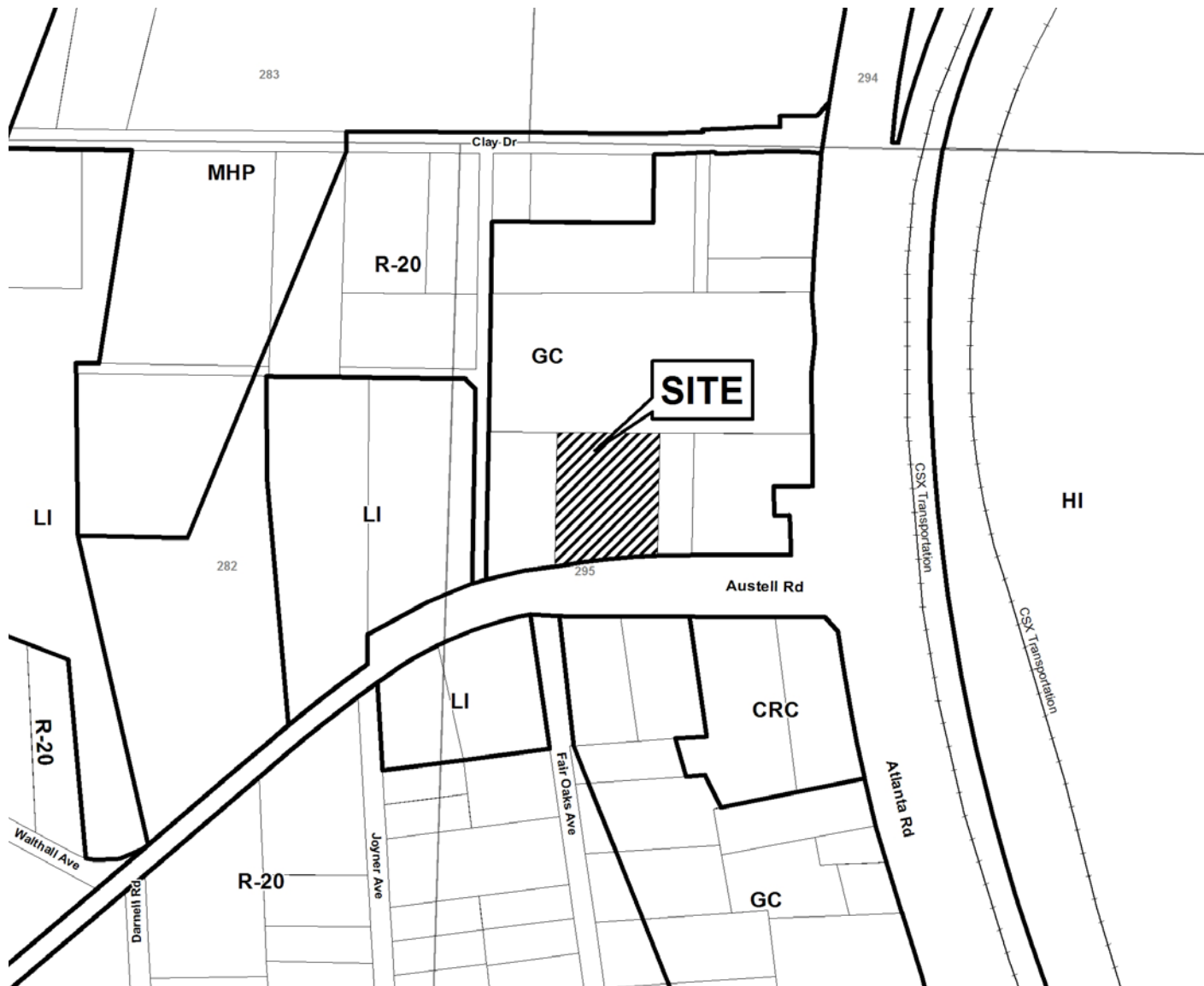
DISTRICT: 17

LAND LOT(S): 295

PARCEL(S): 9

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4



COBB COUNTY GEORGIA
FILED IN OFFICE

Application No. 2-31

2013 SEP 29 PM 2:18

Summary of Intent for Rezoning

July 2013

COBB COUNTY ZONING DIVISION

.....
Part 1. Residential 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: _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): RETAIL SALES
- b) Proposed building architecture: EXISTING
- c) Proposed hours/days of operation: 7:00 AM - 5:00 PM
- d) List all requested variances: NONE

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

NONE

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

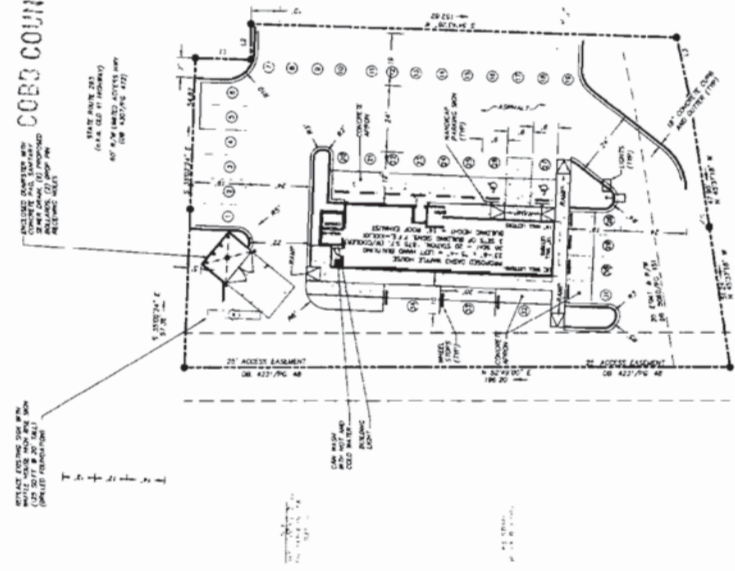
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

N/A.

	<p>Continuo Engineering Inc. 1000 Highway 7 East, Suite 100 Markham, Ontario L3R 9V4 Tel: (905) 477-1234 Fax: (905) 477-5678 www.continuo.ca</p>	<p>DATE: _____</p> <p>BY: _____</p>	<p>PROJECT: _____</p> <p>LOCATION: _____</p>	<p>DATE: _____</p> <p>BY: _____</p>	<p>DATE: _____</p> <p>BY: _____</p>	<p>DATE: _____</p> <p>BY: _____</p>	<p>DATE: _____</p> <p>BY: _____</p>
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COB3 COUNTY ZONING DIVISION

[illegible][illegible]

NOTE NOTES

- [illegible]

Run	Time	Temp	Flow	Pressure	Detector
1	10 min	100°C	1.0 mL/min	1.0 MPa	UV-Vis
2	20 min	100°C	1.0 mL/min	1.0 MPa	UV-Vis
3	30 min	100°C	1.0 mL/min	1.0 MPa	UV-Vis
4	40 min	100°C	1.0 mL/min	1.0 MPa	UV-Vis
5	50 min	100°C	1.0 mL/min	1.0 MPa	UV-Vis
6	60 min	100°C	1.0 mL/min	1.0 MPa	UV-Vis
7	70 min	100°C	1.0 mL/min	1.0 MPa	UV-Vis
8	80 min	100°C	1.0 mL/min	1.0 MPa	UV-Vis
9	90 min	100°C	1.0 mL/min	1.0 MPa	UV-Vis
10	100 min	100°C	1.0 mL/min	1.0 MPa	UV-Vis

Run	[NaOH] (M)	[R] (M)	$k_p/k_t^{1/2}$ (M ^{-1/2} s)
1	0.010	5.24×10^{-3}	1.0
2	0.020	5.24×10^{-3}	1.41

APPLICANT: Waffle House, Inc.

(770) 729-5700

REPRESENTATIVE: Rick Hattaway

(770) 729-5915

TITLEHOLDER: Waffle House, Inc.

PROPERTY LOCATION: Northeast side of Cobb Parkway, southwest

side of Old 41 Highway, north of North Roberts Road

(2165 Cobb Parkway)

ACCESS TO PROPERTY: Cobb Parkway and Old 41 Highway

PHYSICAL CHARACTERISTICS TO SITE: _____

CONTIGUOUS ZONING/DEVELOPMENT

PETITION NO: Z-32

HEARING DATE (PC): 07-08-13

HEARING DATE (BOC): 07-16-13

PRESENT ZONING: GC

PROPOSED ZONING: CRC

PROPOSED USE: Restaurant

SIZE OF TRACT: 0.512 acres

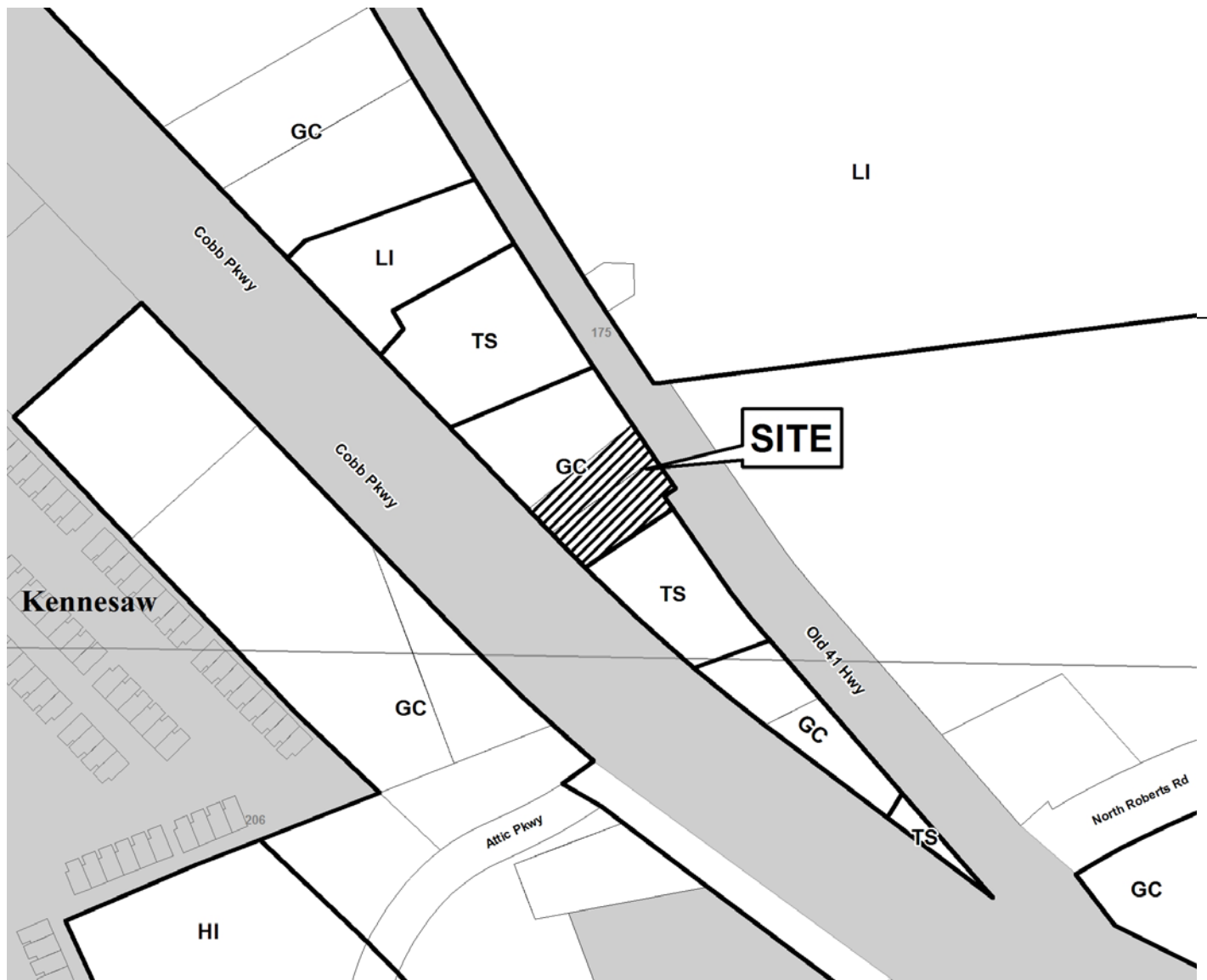
DISTRICT: 20

LAND LOT(S): 175

PARCEL(S): 30,33

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1



Application No. 2-32

Summary of Intent for Rezoning

July 2013

.....
Part 1. Residential 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: _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Waffle House Restaurant
b) Proposed building architecture: 1635 sq. ft., superbrick, one story
c) Proposed hours/days of operation: 24 hours, 7 days/week
d) List all requested variances: _____

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

Freestanding signs to be grandfathered

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

No

COBB COUNTY GEORGIA
CLERK'S OFFICE

2013 MAY 1 PM 1:08

COBB COUNTY ZONING DIVISION

Z-33
(2013)

300 West Sandtown Road
A MASTER PLANNED RESIDENTIAL SINGLE FAMILY COMMUNITY
FOR
BLAKE PROPERTIES INC
154 JACKSON CREEK DRIVE
MAGNETTA, OKLAHOMA 74408
COMMERCIAL BANK BUILDING
PHONE: 774-411-9427
FAX: 774-411-9427

REVISION

SHORT TITLE
REZONNIG
SITE PLAN

SCALE 1" = 60'
DATE April 12, 2013
PROJECT 13072.00

24 HOUR CONTACT:
BRUCE GOODMAN @ 770-841-9457

SITE LOCATION MAP (NTS)

[illegible]

FILED

2013 MAY -8 PM 1:02

COBB COUNTY ZONING DIVISION

REVISSED
COBB COUNTY GEORGIA
FILED IN OFFICE
2013 MAY -8 PM 1:02
COBB COUNTY ZONING DIVISION

APPLICANT: Blake Properties, Inc.

(770) 841-9457

REPRESENTATIVE: Garvis L. Sams, Jr. (770) 422-7016

Sams, Larkin & Huff, LLP

TITLEHOLDER: Estate of Margaret W. Raines

PROPERTY LOCATION: West side of West Sandtown Road,

southwest of Dallas Highway, across from Old Dallas Road

ACCESS TO PROPERTY: West Sandtown Road

PHYSICAL CHARACTERISTICS TO SITE: _____

CONTIGUOUS ZONING/DEVELOPMENT

PETITION NO: Z-33

HEARING DATE (PC): 07-08-13

HEARING DATE (BOC): 07-16-13

PRESENT ZONING: R-20 and R-30

PROPOSED ZONING: R-20/OSC

PROPOSED USE: Single-family Detached

Residential Subdivision

SIZE OF TRACT: 20.91 acres

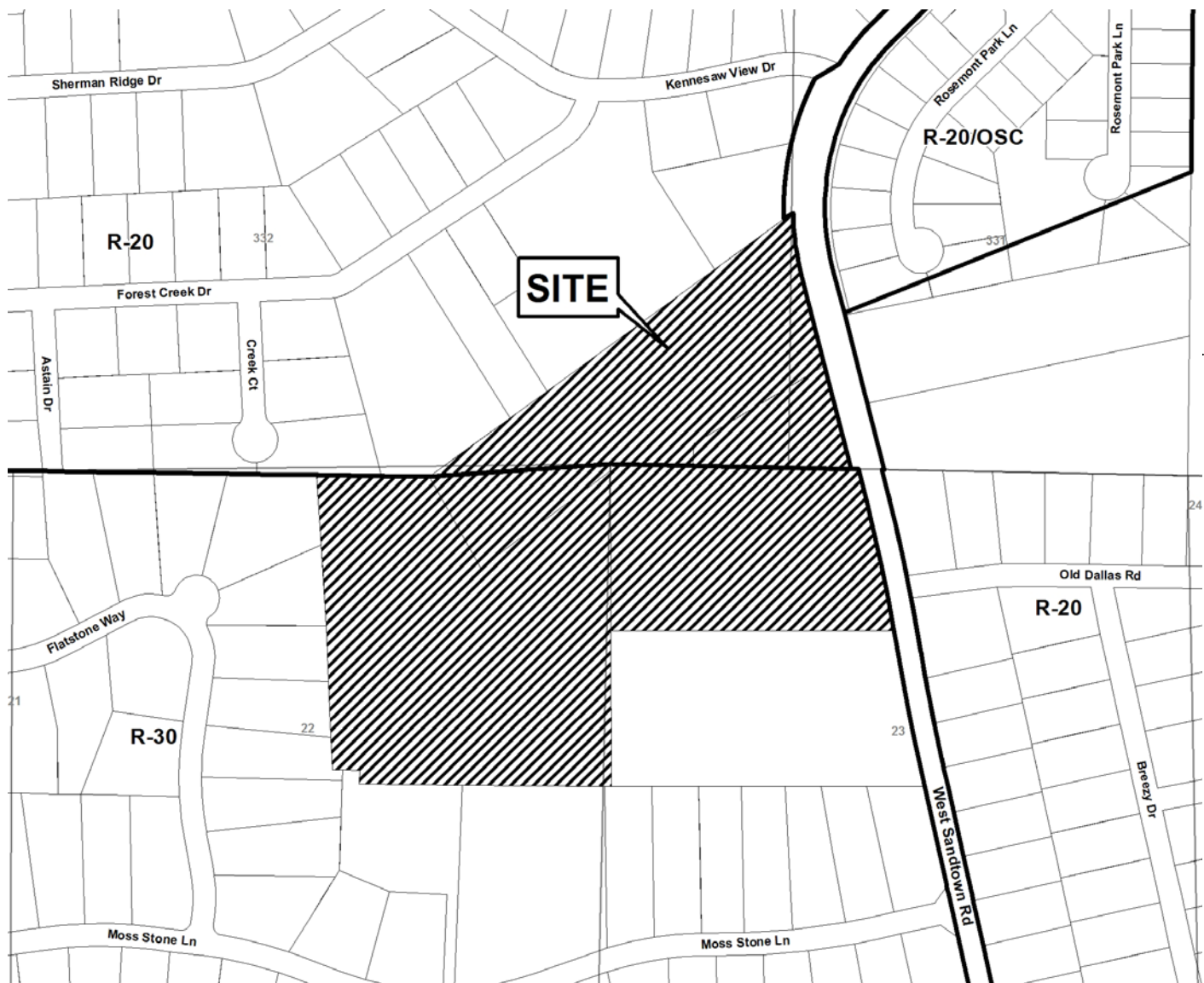
DISTRICT: 19 and 20

LAND LOT(S): 22,23 and 331,332

PARCEL(S): 1,3 and 9,25

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1





Application No. Z- 33

Summary of Intent for Rezoning *

July 2013

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) **Proposed unit square-footage(s):** 2,700 sq. ft. - 4,500 sq. ft.
b) **Proposed building architecture:** Traditional with all four sides of each home consisting of a mixture of either brick, stone, hardy plank or hardy shake.
c) **Proposed selling prices(s):** \$350,000.00 - \$500,000.00
d) **List all requested variances:** None at this time.

.....
Part 2. Non-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 3. Other Pertinent Information (List or attach additional information if needed)

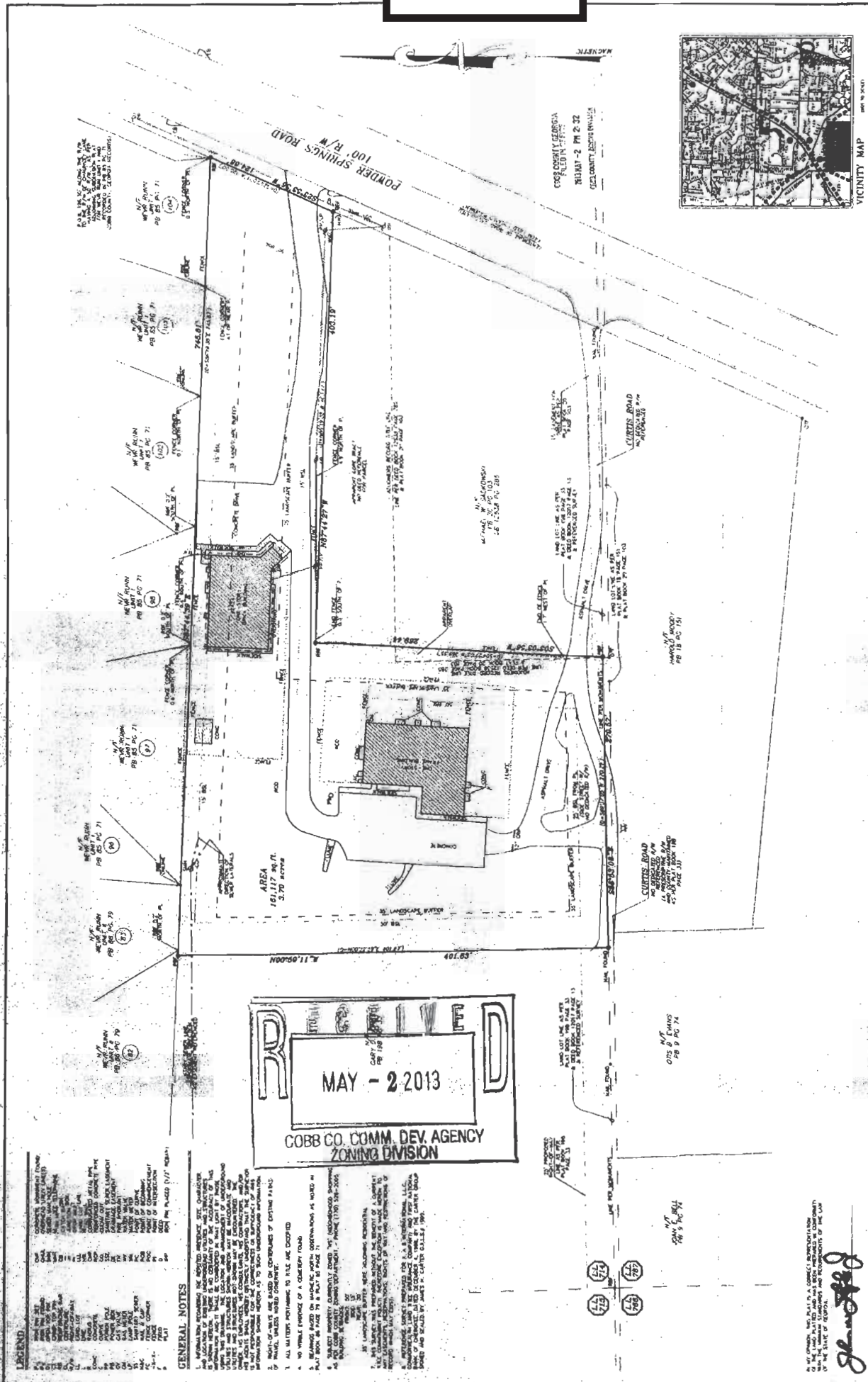
The subject property is located in an area denominated as Very Low Density Residential (VLDR) which contemplates densities ranging up to 2 units per acre. Additionally, the subject property is directly across West Sandtown Road from an existing R-20 OSC Community.

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

*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.

Z-34
(2013)



SOLAR LAND SURVEYING COMPANY

P.O. BOX 723983 ATLANTA, GEORGIA 31139-0890
TELEPHONE (770) 794-9055 FAX (770) 794-9052

DATE	06/20/02
SCALE	1" = 40'
PROJECT	COBB COMM. DEV.
DATE	19th JUNE 2002
DATE	20th JUNE 2002
DATE	21st JUNE 2002
DATE	22nd JUNE 2002
DATE	23rd JUNE 2002
DATE	24th JUNE 2002
DATE	25th JUNE 2002
DATE	26th JUNE 2002
DATE	27th JUNE 2002
DATE	28th JUNE 2002
DATE	29th JUNE 2002
DATE	30th JUNE 2002
DATE	1st JULY 2002
DATE	2nd JULY 2002
DATE	3rd JULY 2002
DATE	4th JULY 2002
DATE	5th JULY 2002
DATE	6th JULY 2002
DATE	7th JULY 2002
DATE	8th JULY 2002
DATE	9th JULY 2002
DATE	10th JULY 2002
DATE	11th JULY 2002
DATE	12th JULY 2002
DATE	13th JULY 2002
DATE	14th JULY 2002
DATE	15th JULY 2002
DATE	16th JULY 2002
DATE	17th JULY 2002
DATE	18th JULY 2002
DATE	19th JULY 2002
DATE	20th JULY 2002
DATE	21st JULY 2002
DATE	22nd JULY 2002
DATE	23rd JULY 2002
DATE	24th JULY 2002
DATE	25th JULY 2002
DATE	26th JULY 2002
DATE	27th JULY 2002
DATE	28th JULY 2002
DATE	29th JULY 2002
DATE	30th JULY 2002
DATE	31st JULY 2002
DATE	1st AUGUST 2002
DATE	2nd AUGUST 2002
DATE	3rd AUGUST 2002
DATE	4th AUGUST 2002
DATE	5th AUGUST 2002
DATE	6th AUGUST 2002
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DATE	11th AUGUST 2002
DATE	12th AUGUST 2002
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DATE	16th AUGUST 2002
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DATE	20th AUGUST 2002
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DATE	13th SEPTEMBER 2002
DATE	14th SEPTEMBER 2002
DATE	15th SEPTEMBER 2002
DATE	16th SEPTEMBER 2002
DATE	17th SEPTEMBER 2002
DATE	18th SEPTEMBER 2002
DATE	19th SEPTEMBER 2002
DATE	20th SEPTEMBER 2002
DATE	21st SEPTEMBER 2002
DATE	22nd SEPTEMBER 2002
DATE	23rd SEPTEMBER 2002
DATE	24th SEPTEMBER 2002
DATE	25th SEPTEMBER 2002
DATE	26th SEPTEMBER 2002
DATE	27th SEPTEMBER 2002
DATE	28th SEPTEMBER 2002
DATE	29th SEPTEMBER 2002
DATE	30th SEPTEMBER 2002
DATE	1st OCTOBER 2002
DATE	2nd OCTOBER 2002
DATE	3rd OCTOBER 2002
DATE	4th OCTOBER 2002
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DATE	7th OCTOBER 2002
DATE	8th OCTOBER 2002
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DATE	24th OCTOBER 2002
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DATE	28th OCTOBER 2002
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DATE	30th OCTOBER 2002
DATE	31st OCTOBER 2002
DATE	1st NOVEMBER 2002
DATE	2nd NOVEMBER 2002
DATE	3rd NOVEMBER 2002
DATE	4th NOVEMBER 2002
DATE	5th NOVEMBER 2002
DATE	6th NOVEMBER 2002
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DATE	9th NOVEMBER 2002
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DATE	18th NOVEMBER 2002
DATE	19th NOVEMBER 2002
DATE	20th NOVEMBER 2002
DATE	21st NOVEMBER 2002
DATE	22nd NOVEMBER 2002
DATE	23rd NOVEMBER 2002
DATE	24th NOVEMBER 2002
DATE	25th NOVEMBER 2002
DATE	26th NOVEMBER 2002
DATE	27th NOVEMBER 2002
DATE	28th NOVEMBER 2002
DATE	29th NOVEMBER 2002
DATE	30th NOVEMBER 2002
DATE	1st DECEMBER 2002
DATE	2nd DECEMBER 2002
DATE	3rd DECEMBER 2002
DATE	4th DECEMBER 2002
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DATE	8th DECEMBER 2002
DATE	9th DECEMBER 2002
DATE	10th DECEMBER 2002
DATE	11th DECEMBER 2002
DATE	12th DECEMBER 2002
DATE	13th DECEMBER 2002
DATE	14th DECEMBER 2002
DATE	15th DECEMBER 2002
DATE	16th DECEMBER 2002
DATE	17th DECEMBER 2002
DATE	18th DECEMBER 2002
DATE	19th DECEMBER 2002
DATE	20th DECEMBER 2002
DATE	21st DECEMBER 2002
DATE	22nd DECEMBER 2002
DATE	23rd DECEMBER 2002
DATE	24th DECEMBER 2002
DATE	25th DECEMBER 2002
DATE	26th DECEMBER 2002
DATE	27th DECEMBER 2002
DATE	28th DECEMBER 2002
DATE	29th DECEMBER 2002
DATE	30th DECEMBER 2002
DATE	31st DECEMBER 2002

JOB #02-4312

APPLICANT: Zions First National Bank

(801) 844-7214

REPRESENTATIVE: Melissa J. Perignat (770) 956-9600

Holt Ney Zatcoff & Wasserman, LLP

TITLEHOLDER: Zions First National Bank

PROPERTY LOCATION: West side of Powder Springs Road, south
of Chauncey Lane

(2424 Powder Springs Road)

ACCESS TO PROPERTY: Powder Springs Road

PHYSICAL CHARACTERISTICS TO SITE: _____

PETITION NO: Z-34

HEARING DATE (PC): 07-08-13

HEARING DATE (BOC): 07-16-13

PRESENT ZONING: NS

PROPOSED ZONING: LRO

PROPOSED USE: Daycare Center and
Other LRO Uses

SIZE OF TRACT: 3.7 acres

DISTRICT: 19

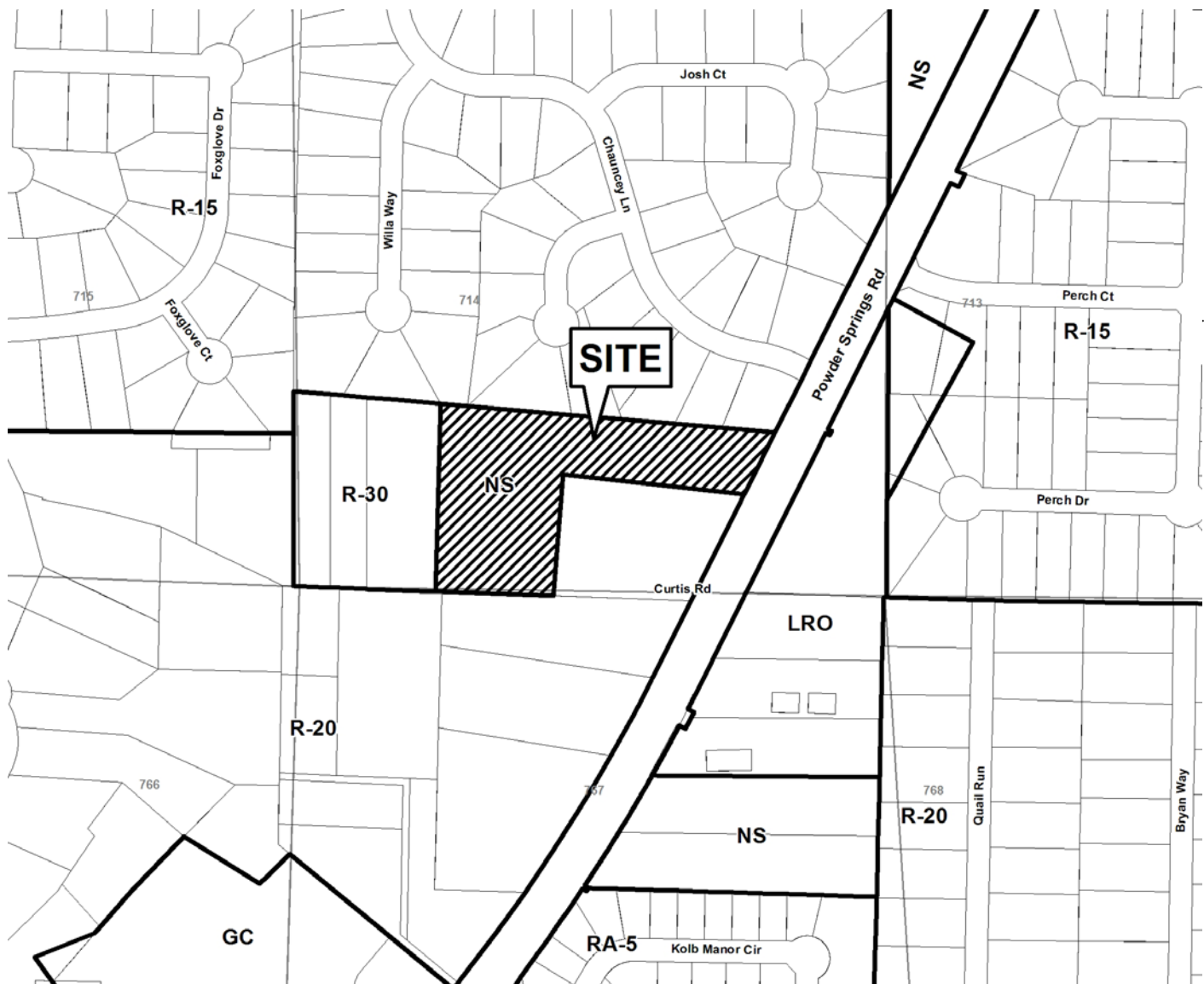
LAND LOT(S): 714

PARCEL(S): 5

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT



2013 MAY -2 PM 2: 28

COBB COUNTY ZONING DIVISION

Application No. Z-34

July 2013

Summary of Intent for Rezoning

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): Not Applicable
- b) Proposed building architecture: _____
- c) Proposed selling prices(s): _____
- d) List all requested variances: _____
- _____
- _____
- _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Day Care Center (and any permitted use in LRO)
- b) Proposed building architecture: see attached letter of intent.
- c) Proposed hours/days of operation: see attached letter of intent.
- d) List all requested variances: None
- _____
- _____
- _____

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

See attached Documented Impact analysis and
letter/Summary of Intent

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

N/A unless shown on survey.

COBB COUNTY GEORGIA
ZONING DIVISION

2013 MAY -2 PM 2:31

HOLT NEY ZATCOFF & WASSERMAN, LLP

ATTORNEYS AT LAW

COBB COUNTY ZONING DIVISION

100 GALLERIA PARKWAY, SUITE 1800

ATLANTA, GEORGIA 30339-5960

TELEPHONE 770-956-9600 FACSIMILE 770-956-1490

Ellen W. Smith
e-mail esmith@hnzw.com

Melissa J. Perignat
e-mail mperignat@hnzw.com

May 2, 2013

BY HAND DELIVERY

Zoning Division
Community Development Agency
Cobb County, Georgia
1150 Powder Springs Street
Suite 400
Marietta, Georgia 30064

SUMMARY OF INTENT

Re: Application for Rezoning, Cobb County, Georgia ("**Application**") by Zions First National Bank with respect to that certain approximately 3.7 acre property commonly known as 2424 Powder Springs Road (the "**Property**")

Ladies and Gentlemen:

This law firm has the pleasure of representing Zions First National Bank ("**Zions FNB**"), the Applicant with respect to the referenced Application. Zions FNB respectfully submits for your consideration the Application, seeking the rezoning of the Property from NS (a now discontinued zoning district) to LRO, the approval of which will allow the continuation of the day care facility use of the Property initially approved almost 25 years ago in 1980.

Background – The Property

The Property is an approximately 3.7 acre tract with frontage on Powder Springs Road. On April 2, 1980, in Case #72, the Cobb County Board of Commissioners (the "**Board**") unanimously approved the rezoning of the Property to NS subject to the condition that there be a thirty (30) foot buffer along the southern and eastern property lines (to serve as a buffer to neighboring R-20 property).¹ The Property subsequently was improved and, for more than 20 years, a day care facility operated on the Property.

¹ In 1980, the Property was approximately 6.7 acres. At some point, the owner of the Property sold approximately 3 acres to the west (rear of the Property from Powder Springs Road frontage).

Zoning Division
Community Development Agency
Cobb County, Georgia
May 2, 2013
Page 2

Proposed Rezoning

Zions FNB acquired the Property by Deed Under Sale of Power on October 4, 2011. Zions FNB now has a prospective purchaser for the Property who intends to operate a child day care facility at the Property. Although day care facilities are a permitted use under the Property's current NS zoning, Zions FNB has learned that the use may not be allowed. Specifically, effective on January 1, 1991, Cobb County determined that it would not accept new applications for rezoning to the NS (Neighborhood Shopping) district. Further, effective as of January 1, 1991, Chapter 134 of the Official Code of Cobb County, Georgia (the "**Zoning Ordinance**") was amended to reflect that "any existing developed NS zoning/use located outside of a community activity center or regional activity center shall be deemed to be a grandfathered, nonconforming use...." *See Zoning Ordinance, Section 134-162 (37)*.

Because the Property is not located within a community or a regional activity center, Cobb County has taken the position that the zoning and use of the Property are nonconforming. Further, because the day care facility ceased operations at the Property around the time Zions FNB acquired the Property in 2010, Cobb County has taken the position that the nonconforming use has been abandoned. *See Zoning Ordinance, Section 134-31*. Although Zions FNB disagrees with Cobb County's positions,² to avoid a dispute and to ensure that the Property has a current, conforming zoning, which will allow the purchaser to operate a day care facility, Zions FNB has filed this Application.³

² Zions FNB disputes the necessity of having to rezone the Property to continue or resume day care facility use. First, Zions FNB contends that the amendment to the Zoning Ordinance affecting the NS zoning district description was not properly noticed in accordance with the Zoning Procedures Law, *O.C.G.A. § 36-66-1, et seq.*, and the Zoning Ordinance. Second, Zions FNB believes that it may have a vested interest in using the Property for use as a day care facility. Third, under Georgia law, notwithstanding the language of the Zoning Ordinance respecting the "presumption" of abandonment of nonconforming uses, Zions FNB contends that the day care use was not abandoned. *See Ansley House, Inc. v. City of Atlanta*, 260 Ga. 540, 542 (1990) (expiration of the time period set forth in an ordinance merely raises a rebuttal presumption that there has been an intent to abandon a nonconforming use). Fourth, the adoption of the future land use plan designating the Property as LDR (Low Density Residential) could be viewed as a rezoning of the Property, and Zions FNB has no evidence of Cobb County's compliance with the ZPL prior to adopting the plan. *See O.C.G.A. § 36-66-4(a)*. Finally, but without limitation, because the current zoning map still shows NS zoning on the Property, a day care or commercial use conforms to the Zoning Ordinance Map, and Zions FNB disputes that the rezoning of the Property is necessary to continue or resume that use.

³ Zions FNB notifies Cobb County of its constitutional concerns with respect to its Application. If the Board denies the Application in whole or in part, then the Property does not have a reasonable economic use under the Zoning Ordinance. Moreover, the Application meets the test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. *See Guhl vs. Holcomb Bridge Road*, 238 Ga. 322 (1977). If the Board denies the

Zoning Division
Community Development Agency
Cobb County, Georgia
May 2, 2013
Page 3

The proposed rezoning to LRO will allow the Property to continue to be used as it has been for more than two decades. Zions FNB is not proposing any new development, addition or modification to the existing structures or improvements, all of which are shown on the survey being filed concurrently with this Application. Additionally, the proposed rezoning to LRO will be consistent with other properties zoned LRO directly across Powder Springs Road. The existing structures on the Property meet all of the LRO district requirements and no variances are necessary to ensure conformity.

Application Requirements

Section 134-121 of the Zoning Ordinance sets forth the various requirements applicable to requests for rezonings, some of which are addressed above and the remainder of which are addressed in supporting documents. Specifically, in support of the Application, Applicant submits the following documents:

Application in whole or in part, such an action will deprive Zions FNB and any future Property owner of the ability to use the Property in accordance with its highest and best use. Similarly, if the Board rezones the Property to some classification other than the LRO zoning district without Zions FNB's consent, or if the Board limits its approval by attaching conditions to such approval affecting the Property or the use thereof without FNB's consent, then such approval would deprive Zions FNB and any future Property owner of any reasonable use and development of the Property. Any such action is unconstitutional and will result in a taking of property rights in violation of the just compensation clause of the Constitution of the State of Georgia (*see Ga. Const. 1983, Art. I, § 3, para. 1(a)*), and the just compensation clause of the Fifth Amendment to the United States Constitution (*see U.S. Const. Amend. 5*). To the extent that the Zoning Ordinance allows such an action by the Board, the Zoning Ordinance is unconstitutional. Any such denial or conditional approval would discriminate between Zions FNB and any future Property owner and owners of similarly situated property in an arbitrary, capricious, unreasonable and unconstitutional manner in violation of Article I, Section I, Paragraph 2 of the Georgia Constitution and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Finally, a failure to grant the Application or a conditional approval of the Application (with conditions not expressly approved by Zions FNB) would constitute a gross abuse of discretion and would constitute an unconstitutional violation of Zions FNB's rights to substantive and procedural due process as guaranteed by the Georgia Constitution (*see Ga. Const. 1983, Art. I, § 1, para. 1*) and the Fifth and Fourteenth Amendments of the United States Constitution (*see U.S. Const. Amend. 5 and 14*). Zions FNB further challenges the constitutionality and enforceability of the Zoning Ordinance, in whole and in relevant part, for lack of objective standards, guidelines or criteria limiting the Board's discretion in considering or deciding applications for rezonings. Zions FNB remains optimistic that Cobb County's consideration of the Application will be conducted in a constitutional manner.

HOLT NEY ZATCOFF & WASSERMAN, LLP

Zoning Division
Community Development Agency
Cobb County, Georgia
May 2, 2013
Page 4

Z-34 (2013)
Applicant's
Summary of
Intent

- (1) Original notarized signatures of titleholder and representative;
- (2) Secretary's Certificate evidencing corporate authorization;
- (3) Copy of the Deed Under Power of Sale evidencing Zions FNB as the owner of the Property;
- (4) Metes and bounds legal description of the Property;
- (5) Copy of the paid tax receipt indicating all taxes have been paid;
- (6) Copy of current as built boundary survey depicting all required items;
- (7) Zoning Application Disclosure forms;
- (8) Documented Impact Analysis;
- (9) Application Fee (\$1,000);
- (10) Signage Fee (\$309); and
- (11) This Summary of Intent.

The Application, this letter and accompanying documents support Zions FNB's request for rezoning, and Zions FNB respectfully requests that the Zoning Division recommend approval of the Application to the Board. Zions FNB is happy to answer questions or provide any additional information that the Zoning Division may have with regard to this Application.

Sincerely,



Ellen W. Smith



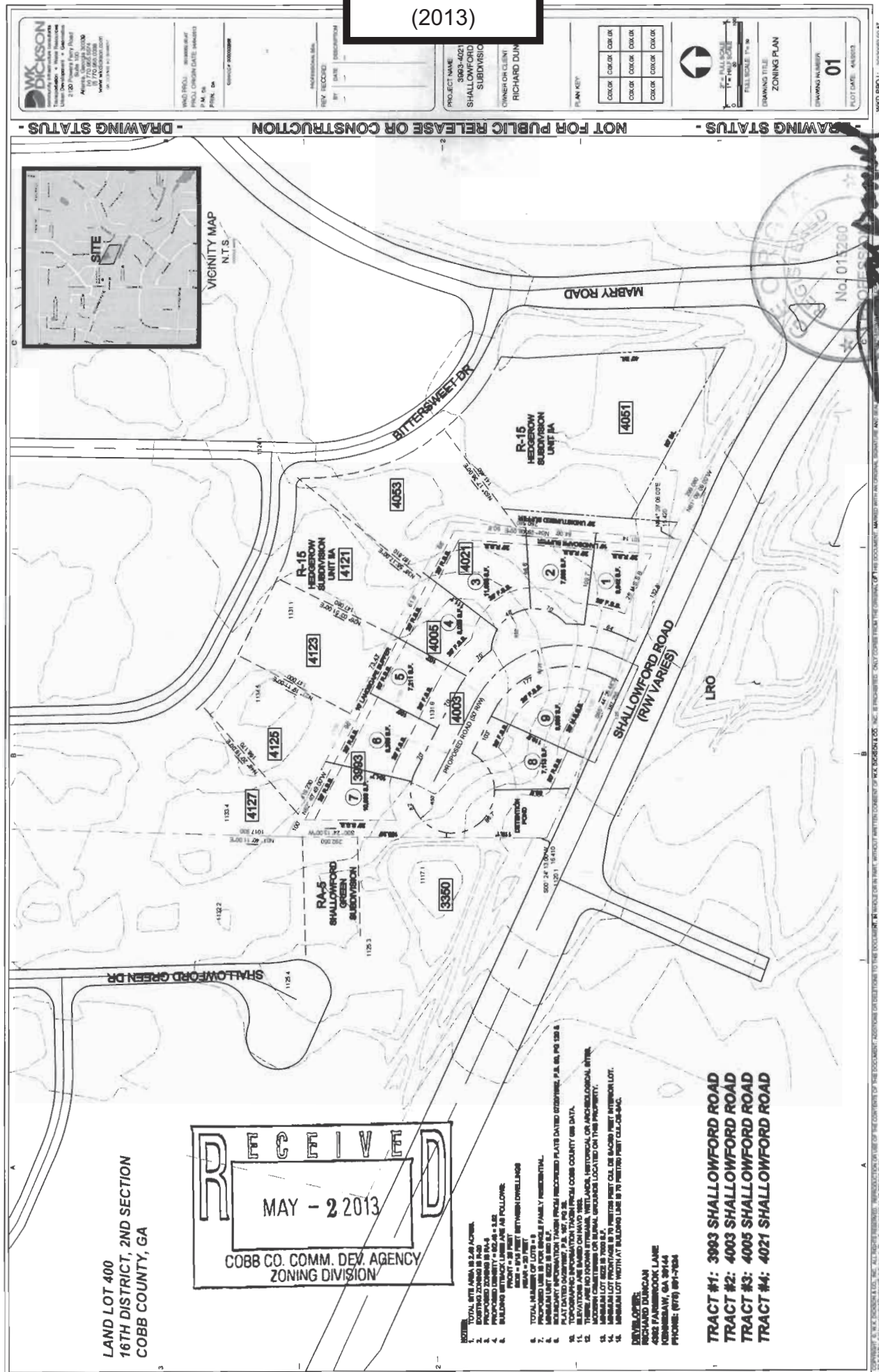
Melissa J. Perignat

For Holt Ney Zatcoff & Wasserman, LLP

EWS/ews

cc: Mr. Christopher Sayer
J. Scott Jacobson, Esq.
(both by e-mail only)

Z-35
(2013)



APPLICANT: Richard Duncan

(678) 591-7624

REPRESENTATIVE: Richard Duncan

(678) 591-7624

TITLEHOLDER: William E. Rolader and Mary L. Rolader, Jason Carter and Brian Carter, William E. Rolader, as Executor of the Estate

of Annie Imogent Rolader, Mildred R. Lampley

PROPERTY LOCATION: Northeast side of Shallowford Road, west of Mabry Road

(3993, 4003, 4005 and 4021 Shallowford Road)

ACCESS TO PROPERTY: Shallowford Road

PHYSICAL CHARACTERISTICS TO SITE: _____

CONTIGUOUS ZONING/DEVELOPMENT

PETITION NO: Z-35

HEARING DATE (PC): 07-08-13

HEARING DATE (BOC): 07-16-13

PRESENT ZONING: R-20

PROPOSED ZONING: RA-5

PROPOSED USE: Single-family Residential
Subdivision

SIZE OF TRACT: 2.48 acres

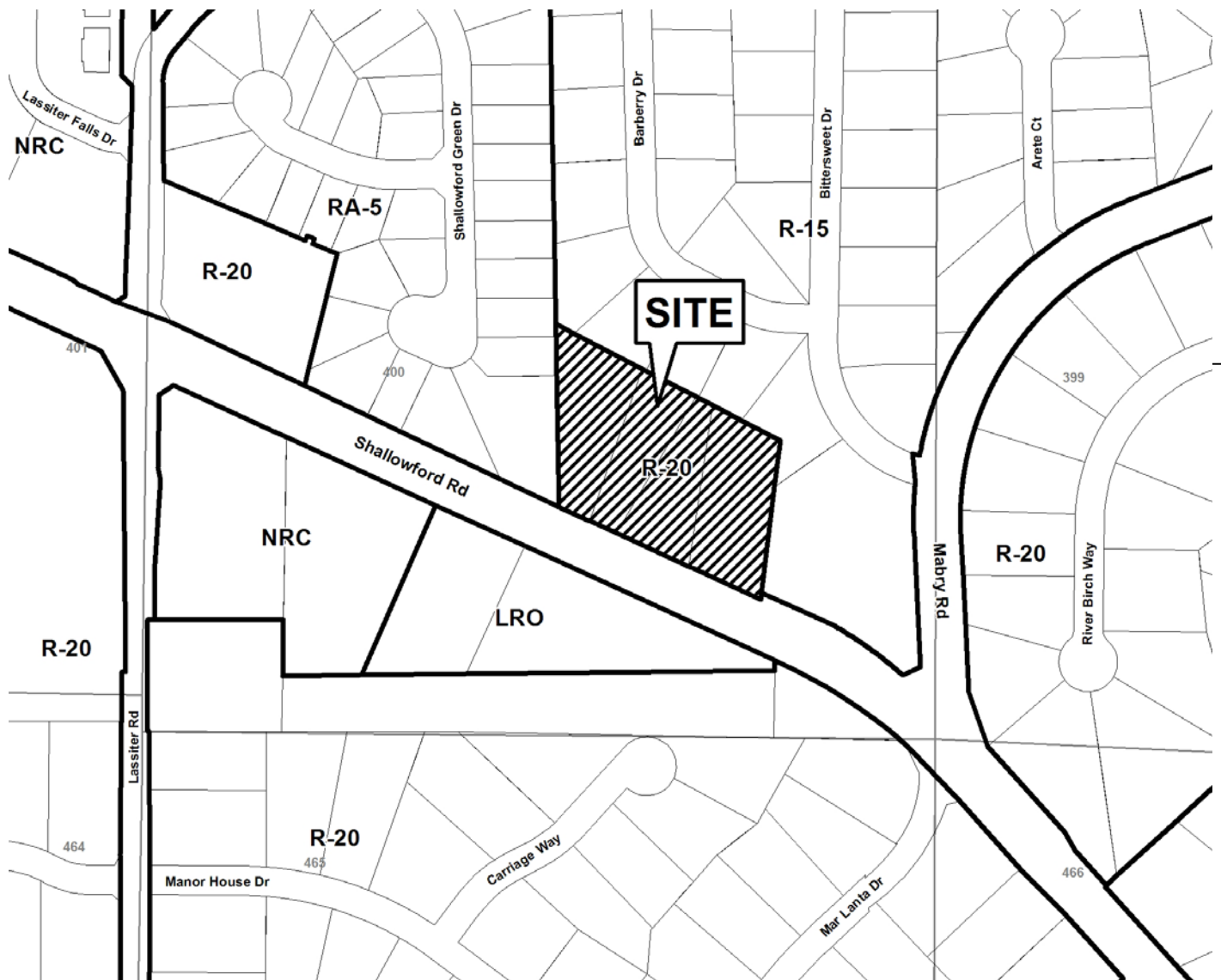
DISTRICT: 16

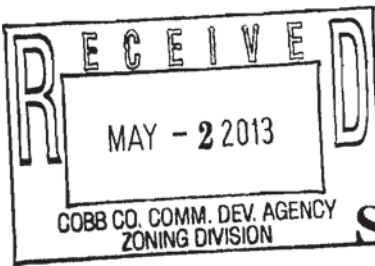
LAND LOT(S): 400

PARCEL(S): 2,6,10,44

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3





Application No. Z-35
July 2013

Summary of Intent for Rezoning

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): 2100
- b) Proposed building architecture: old style Craftsman
- c) Proposed selling prices(s): 300,000 to 400,000
- d) List all requested variances: _____
- _____
- _____

.....
Part 2. Non-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 3. Other Pertinent Information (List or attach additional information if needed)

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

OWNER / DEVELOPER:
**ERICKSON
DEVELOPMENT**
1950 ROSWELL ROAD
MARIETTA, GA 30068
Tel: (678)755-2943
MR. JERRY ERICKSON

Z-36
(2013)

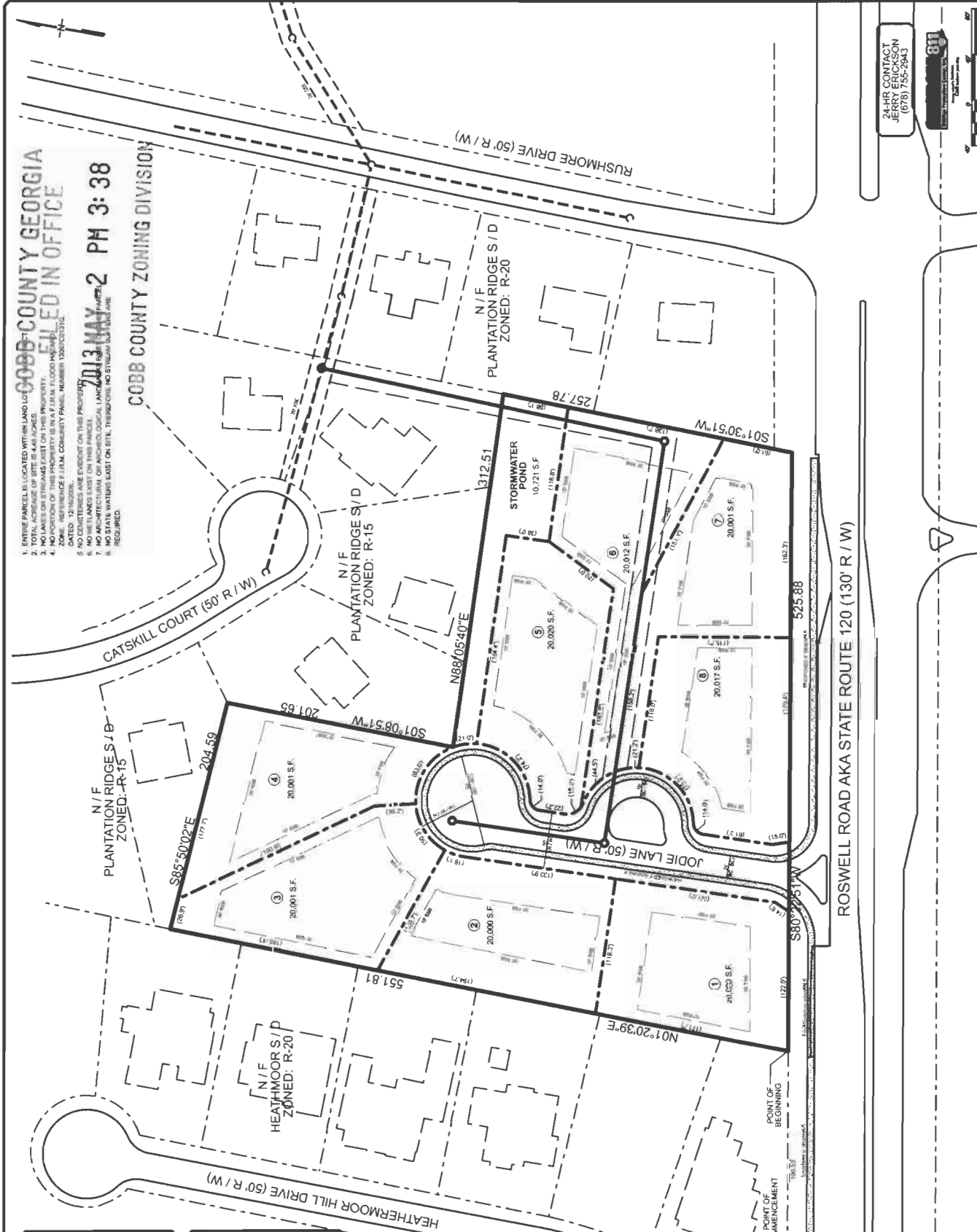
SARAH OAKS

[illegible]

24-HR CONTACT
JERRY ERICKSON
(678) 755-2943

118

1. ENTIRE PARCEL IS LOCATED WITHIN AND LOCATED ENTIRELY WITHIN THE
2. ENTIRE PARCEL IS LOCATED WITHIN AND LOCATED ENTIRELY WITHIN THE
3. NO LAKES OR STREAMS EXIST ON THIS PROPERTY.
4. NO LAKES OR STREAMS EXIST ON THIS PROPERTY.
5. NO PORTION OF THIS PROPERTY IS IN A FLOOD HAZARD ZONE.
6. NO PORTION OF THIS PROPERTY IS IN A FLOOD HAZARD ZONE.
7. ZONE REFERENCE IS J-1 (A). COUNTY PARCEL NUMBER 1300702310.
8. ZONE REFERENCE IS J-1 (A). COUNTY PARCEL NUMBER 1300702310.
9. DATED: 12/10/2008.
10. NO CEMETERIES ARE EVIDENT ON THE PROPERTY.
11. NO CEMETERIES ARE EVIDENT ON THE PROPERTY.
12. NO ARCHITECTURAL OR ANCHORED SOCIAL LANDMARKS ARE EVIDENT ON THE PROPERTY.
13. NO ARCHITECTURAL OR ANCHORED SOCIAL LANDMARKS ARE EVIDENT ON THE PROPERTY.
14. NO STATE WATERWAYS EXIST ON SITE, THEREFORE NO STREAM BANKS ARE REQUIRED.
15. NO STATE WATERWAYS EXIST ON SITE, THEREFORE NO STREAM BANKS ARE REQUIRED.



ROS WELL ROAD AKA STATE ROUTE 120 (130' R / W)

LEGEND	INTERIOR LOT DIMENSIONS	LOT NUMBER
(62'±)	OVERALL BOUNDARY CALL	LOT AREA
SUTTERVIEW	10' SIDE SETBACK	20,020 S.F.
	35' FRONT SETBACK	
	25' FRONT SETBACK (MINOR)	
	35' REAR SETBACK	
	30' REAR SETBACK (MINOR)	
	10' ROAD	
		4
		SANITARY SEWER EASEMENT STORM DRAIN EASEMENT

PROJECT SUMMARY	
462 WY 2004 S.F.	INTERIOR LOT DIMENSION OVERALL BOUNDARY CALL
SANITARY	10' SIDE SETBACK
38' FRONT SETBACK	35' FRONT SETBACK
25' F/R SIDE SETBACK (MINOR)	35' FRONT SETBACK (MINOR)
33' R/SIDE SETBACK	35' REAR SETBACK
10' R/SIDE SETBACK (MINOR)	10' REAR SETBACK (MINOR)
4	LOT NUMBER
20,000 S.F.	LOT AREA
10' SIDE SETBACK	SANITARY SEWER EASEMENT
10' SIDE SETBACK	STORM DRAIN EASEMENT

APPLICANT: Vaughn & Melton

(770) 627-3590

REPRESENTATIVE: Richard Smith

(404) 694-0424

TITLEHOLDER: Sanford Smith and Marie Smith, Hardie 120, LLC

PROPERTY LOCATION: North side of Roswell Road, east of

Heathermoor Hill Drive and west of Rushmore Drive

ACCESS TO PROPERTY: Roswell Road

PHYSICAL CHARACTERISTICS TO SITE: _____

CONTIGUOUS ZONING/DEVELOPMENT

PETITION NO: Z-36

HEARING DATE (PC): 07-08-13

HEARING DATE (BOC): 07-16-13

PRESENT ZONING: R-30

PROPOSED ZONING: R-20

PROPOSED USE: Single-family Residential

Subdivision

SIZE OF TRACT: 4.48 acres

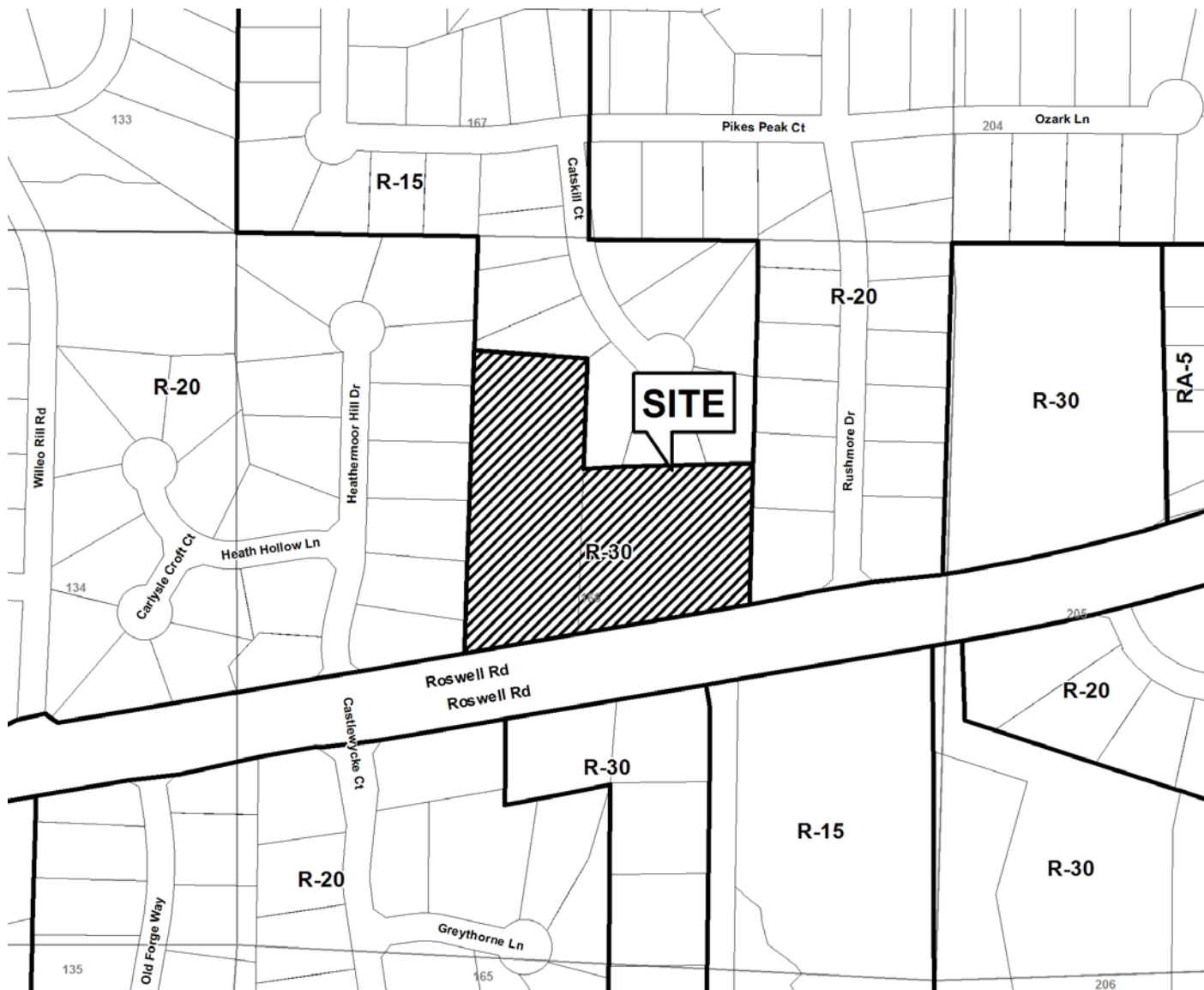
DISTRICT: 1

LAND LOT(S): 166

PARCEL(S): 2,4

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3



COBB COUNTY GEORGIA
FILED IN OFFICE

2013 MAY -2 PM 3:38

COBB COUNTY ZONING DIVISION

Application No. Z-36

July 2013

Summary of Intent for Rezoning

Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): 20,000 s.f. lot area
- b) Proposed building architecture: 2 STORY TRADITIONAL SINGLE FAMILY
- c) Proposed selling prices(s): \$800,000
- d) List all requested variances: NONE

Part 2. Non-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 3. Other Pertinent Information (List or attach additional information if needed)

Proposed houses will be masonry (brick, stone, etc.) product on all sides at basement level, and minimum 3 sides masonry on upper levels.

Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

NO

COBB COUNTY GEORGIA
ENGINEERING DIVISION

2013 MAY -2 PM 4:03

COBB COUNTY ZONING DIVISION

SURVEY PREPARED BY:
SOLAR LAND SURVEYING COMPANY
P.O. BOX 723991 ATLANTA, GEORGIA 31139-0992
TELEPHONE (770) 784-9953 FAX (770) 784-9952



VICINITY MAP 1"=2000'

PROPOSED ZONING: SINGLE-FAMILY DETACHED
MINIMUM LOT AREA: 15,000 SF
PROPOSED LOT WIDTH AT FRONT SETBACK: 75'
MINIMUM HEATED SF: 2,500 SF
MAXIMUM BUILDING HEIGHT: 35'
NUMBER OF LOTS: 20
DENSITY: 200 UNITS/ACRES
SETBACKS REQUIRED:
FROM INTERIOR FRONT LOT LINE: 35'
(REDUCTION TO 15' VARIANCE)
FROM INTERIOR REAR LOT LINE: 10'
(REDUCTION TO 5' VARIANCE)
FROM INTERIOR REAR LOT LINE: 30'
WATER TO BE SERVED BY PUBLIC SERVICES
SEWER SHALL BE PROVIDED BY CCWS (PUBLIC SEWER)
THERE ARE WETLANDS/STREAMS LOCATED ON SUBJECT
PROPERTY. PER COUNTY GIS MAPS

LEGEND

1	EXISTING LOT
2	PROPOSED LOT
3	PROPOSED LOT
4	PROPOSED LOT
5	PROPOSED LOT
6	PROPOSED LOT
7	PROPOSED LOT
8	PROPOSED LOT
9	PROPOSED LOT
10	PROPOSED LOT
11	PROPOSED LOT
12	PROPOSED LOT
13	PROPOSED LOT
14	PROPOSED LOT
15	PROPOSED LOT
16	PROPOSED LOT
17	PROPOSED LOT
18	PROPOSED LOT
19	PROPOSED LOT
20	PROPOSED LOT

LEGEND

1	EXISTING LOT
2	PROPOSED LOT
3	PROPOSED LOT
4	PROPOSED LOT
5	PROPOSED LOT
6	PROPOSED LOT
7	PROPOSED LOT
8	PROPOSED LOT
9	PROPOSED LOT
10	PROPOSED LOT
11	PROPOSED LOT
12	PROPOSED LOT
13	PROPOSED LOT
14	PROPOSED LOT
15	PROPOSED LOT
16	PROPOSED LOT
17	PROPOSED LOT
18	PROPOSED LOT
19	PROPOSED LOT
20	PROPOSED LOT

APPLICANT:
BAE INVESTMENTS, LLC
1640 FOREST PARK ROAD
SUITE 100
ALPHARETTA, GA 30007
PHONE: 404-410-4932
FAX: 404-410-4932

SCALE:
1"=100'
NORTH
MAGNETIC

COBB COUNTY, GEORGIA
LAND LOT 395 & 396
DISTRICT 16th
SECTION 2nd

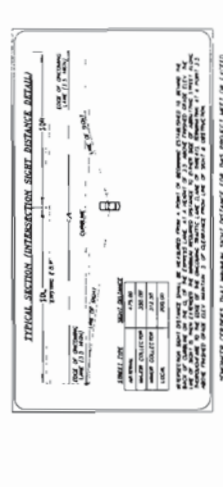
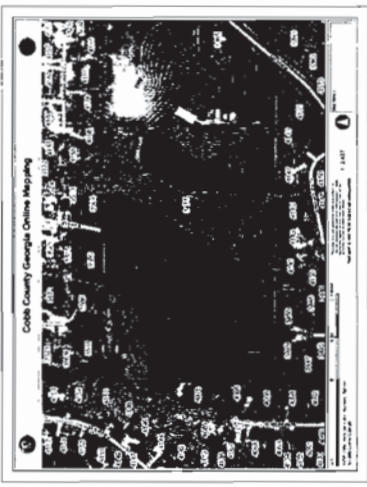
TRACT "A"-3475 MABRY ROAD

IF A SUBJECT PROPERTY IS NOT SHOWN ON THE MAP, IT IS NOT A SUBJECT PROPERTY. THE MAP IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION. THE MAP IS FOR INFORMATIONAL PURPOSES ONLY. THE MAP IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION. THE MAP IS FOR INFORMATIONAL PURPOSES ONLY.

FLOOD STATEMENT
20 LOT(S)
CURRENT ZONING: R-30
PROP. ZONING: R-15
AREA: 10.00 ACRES

GENERAL NOTES
1. INFORMATION REGARDING THE SUBJECT PROPERTY IS BASED ON THE INFORMATION PROVIDED BY THE APPLICANT AND THE INFORMATION AVAILABLE TO THE ENGINEER. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF FLOODING. THE PROPERTY IS NOT A FLOOD HAZARD. THE PROPERTY IS NOT A FLOOD HAZARD. THE PROPERTY IS NOT A FLOOD HAZARD.

1. INFORMATION REGARDING THE SUBJECT PROPERTY IS BASED ON THE INFORMATION PROVIDED BY THE APPLICANT AND THE INFORMATION AVAILABLE TO THE ENGINEER. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF FLOODING. THE PROPERTY IS NOT A FLOOD HAZARD. THE PROPERTY IS NOT A FLOOD HAZARD. THE PROPERTY IS NOT A FLOOD HAZARD.



24 HOUR CONTACT: STAN HOWINGTON 678-758-3828

DATE
04-28-2013

TRACT "A"-3475 MABRY ROAD
COBB COUNTY, GEORGIA
LAND LOT 395 & 396
DISTRICT 16th
SECTION 2nd

BH&D JOB# 29126 BH&D FILE NAME R230NE

B.H. Engineering, Inc.
250 HERITAGE WALK
WOODSTOCK, GEORGIA 30188
PHONE (678) 462-4021
FAX (678) 462-4021
WWW.BHENGINEERING.COM

REVISIONS

NO.	DATE	DESCRIPTION
1	04-28-2013	ISSUED FOR PERMIT

SETBACKS
FRONT 75'
SIDE 35'
REAR 35'



SHEET 1/1
REZONING
PLAN

APPLICANT: EAH Investments, LLC

(770) 541-5256

REPRESENTATIVE: J. Kevin Moore (770) 429-1499

Moore Ingram Johnson & Steele, LLP

TITLEHOLDER: Forrest E. Stroup and Linda Gloria Stroup

PROPERTY LOCATION: Rear portion of property on the east side
of Mabry Road at the terminus of Nettle Lane

(3475 Mabry Road)

ACCESS TO PROPERTY: Nettle Lane

PHYSICAL CHARACTERISTICS TO SITE: _____

PETITION NO: Z-37

HEARING DATE (PC): 07-08-13

HEARING DATE (BOC): 07-16-13

PRESENT ZONING: R-30

PROPOSED ZONING: R-15

PROPOSED USE: Single-family Residential
Subdivision

SIZE OF TRACT: 10.0 acres

DISTRICT: 16

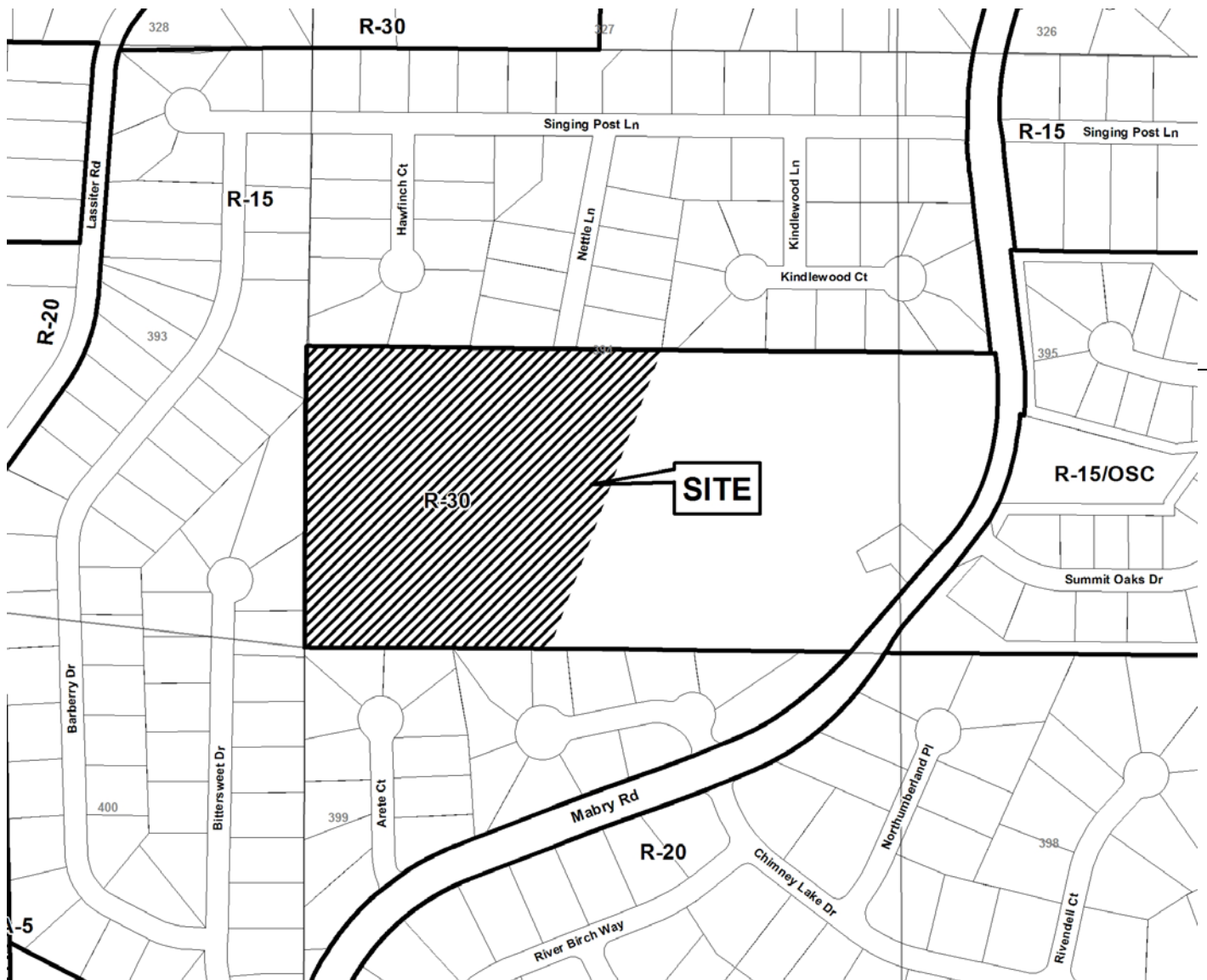
LAND LOT(S): 394

PARCEL(S): 1

TAXES: PAID X **DUE** _____

CONTIGUOUS ZONING/DEVELOPMENT

COMMISSION DISTRICT: 3





Application No. z-37
July (2013)

Summary of Intent for Rezoning*

Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): 2,600 - 3,500 square feet
- b) Proposed building architecture: Traditional (mix of brick, stone, hardi-plank,
- c) Proposed selling prices(s): High \$400s - High \$500s (cedar shake)
- d) List all requested variances: _____
- (1) Front Setback Variance - 35 feet to 15 feet;
- (2) Side Setback Variance - 10 feet to 7.5 feet;
- (3) Lot Width Variance - 75 feet minimum to 65 feet minimum

Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Not Applicable
- b) Proposed building architecture: _____
- c) Proposed hours/days of operation: _____
- d) List all requested variances: _____
- _____
- _____
- _____

Part 3. Other Pertinent Information (List or attach additional information if needed)

None known at this time

Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

None known at this time

*Applicant specifically reserves the right to amend any information set forth herein, or within the Application, at any time during the rezoning process.

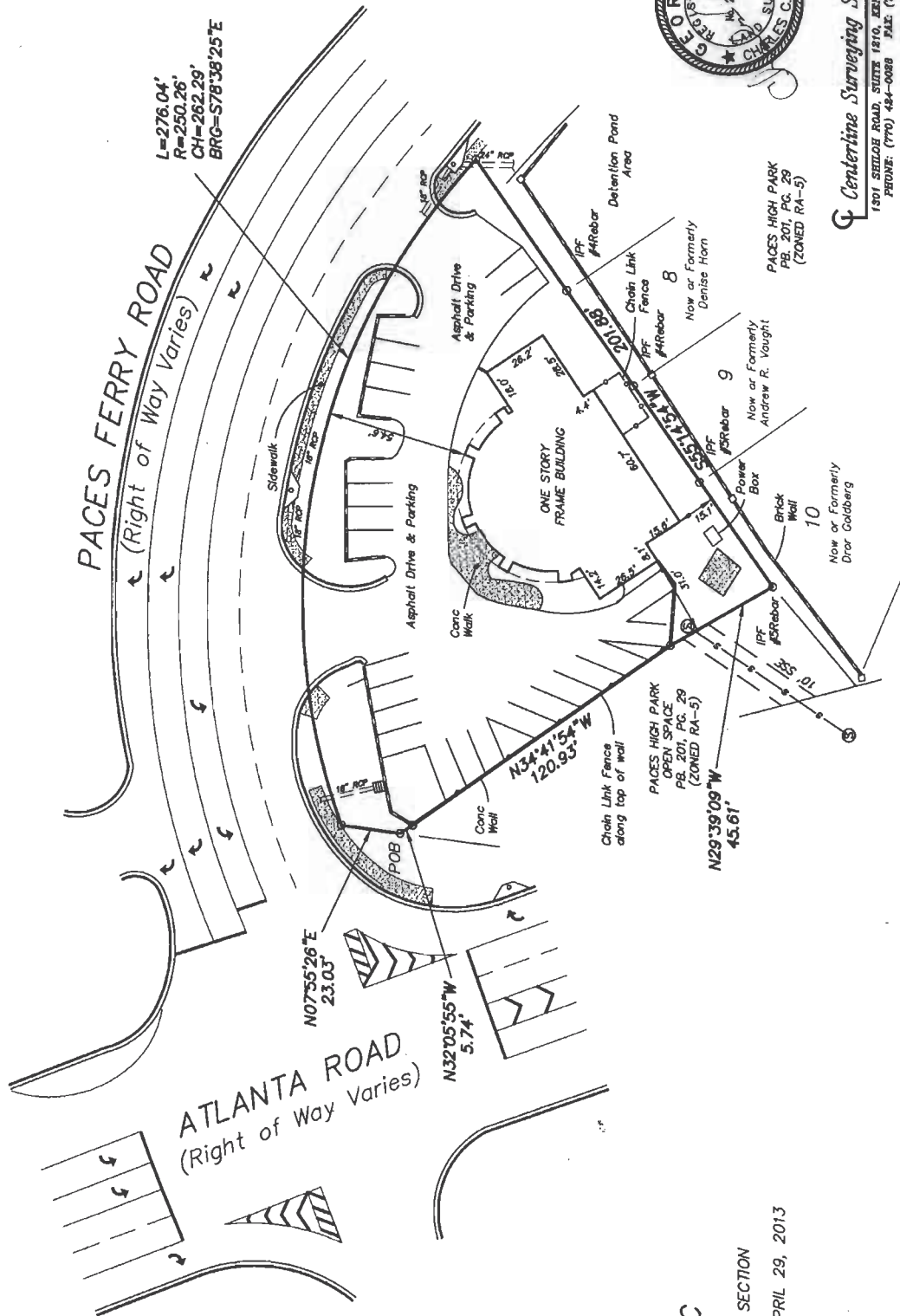
COBB COUNTY GEORGIA
FILED IN OFFICE

THE PURPOSE OF THIS PLAT IS FOR SUBMITTAL
AS A PART OF A REZONING APPLICATION AND
IS NOT FOR RECORDING PURPOSES OR FOR
CONVEYANCE OF TITLE. THE EXCLUSIVE USE OF
THIS PLAT IS EXTENDED ONLY TO 2110 PACES LLC.

2013 MAY -2 PM 4:17
COBB COUNTY ZONING DIVISION

THIS PROPERTY IS NOT LOCATED WITHIN A FEMA
100 YEAR FLOOD ZONE ACCORDING TO COBB
COUNTY F.I.R.M. PANEL 0226 G, COMMUNITY
NUMBER 130052, DATED: DECEMBER 16, 2008.

TRAVERSE CLOSURE - 1:20,000+
ANGULAR ERROR - 2 SEC S/STA.
ADJUSTMENT - COMPASS RULE
EQUIPMENT - TOPCON 303 TOTAL STATION
PLAT CLOSURE - 1:130,755
ALL MATTERS OF TITLE EXCEPTED.



TRACT CONTAINS
±0.61 ACRES

REFERENCE DEED:

DB: 14989, PG. 465

PROPERTY ADDRESS:

2110 PACES FERRY ROAD
SMYRNA, GEORGIA 30080

PARCEL # 17074300090

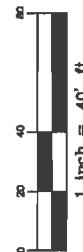
EXISTING PARKING:

24 SPACES

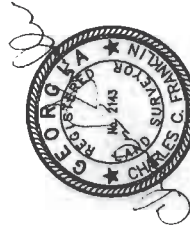
REZONING SURVEY FOR:

2110 PACES LLC

LOCATED IN LAND LOT 743
IN THE 17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA
SCALE: 1" = 40' DATE: APRIL 29, 2013



Z-38
(2013)



Centerline Surveying Systems, Inc.
1301 SHILOH ROAD, SUITE 1310, KENNESAW, GA 30144
PHONE: (770) 434-0088 FAX: (770) 434-3899
413021Z

APPLICANT: 2110 Paces LLC

PETITION NO: Z-38

HEARING DATE (PC): 07-08-13

REPRESENTATIVE: John H. Moore (770) 429-1499

HEARING DATE (BOC): 07-16-13

Moore Ingram Johnson & Steele, LLP

PRESENT ZONING: GC

TITLEHOLDER: 2110 Paces LLC

PROPOSED ZONING: NRC

PROPERTY LOCATION: Southeast corner of Paces Ferry Road and

PROPOSED USE: Retail/Office

Atlanta Road

(2110 Paces Ferry Road)

ACCESS TO PROPERTY: Paces Ferry Road

SIZE OF TRACT: 0.61 acres

DISTRICT: 17

PHYSICAL CHARACTERISTICS TO SITE: _____

LAND LOT(S): 743

PARCEL(S): 9

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT



COBB COUNTY GEORGIA
FILED IN OFFICE

2013 MAY -2 PM 4: 16

COBB COUNTY ZONING DIVISION

Application No. z-38
(2013)

July

Summary of Intent for Rezoning*

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): Not Applicable
- b) Proposed building architecture: _____
- c) Proposed selling prices(s): _____
- d) List all requested variances: _____
- _____
- _____
- _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Retail/Office
- b) Proposed building architecture: Utilizing existing building located on
Subject Property
- c) Proposed hours/days of operation: _____
- d) List all requested variances: None known at this time
- _____
- _____
- _____

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

None at this time

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

None known at this time.

***Applicant specifically reserves the right to amend any information set forth within the Summary of Intent for Rezoning, or any other part of the Application for Rezoning, at any time during the rezoning process.**

APPLICANT: Pulte Home Corporation

(678) 381-3450

REPRESENTATIVE: John H. Moore (770) 429-1499

Moore Ingram Johnson & Steele, LLP

TITLEHOLDER: Estate of Charles A. Jones, Jr.; Nancy J. Snipes;

Elizabeth Ann J. Crabill; Rosemary J. Cox; and Lucy Ellen J. Cooley

PROPERTY LOCATION: East side of Spring Hill Parkway, west of

Interstate 285, across from Spring Hill Road

ACCESS TO PROPERTY: Spring Hill Parkway

PHYSICAL CHARACTERISTICS TO SITE: _____

PETITION NO: Z-39

HEARING DATE (PC): 07-08-13

HEARING DATE (BOC): 07-16-13

PRESENT ZONING: OHR

PROPOSED ZONING: RM-8

PROPOSED USE: Attached Residential

Community

SIZE OF TRACT: 8.87 acres

DISTRICT: 17

LAND LOT(S): 814

PARCEL(S): 2,3

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT



COBB COUNTY GEORGIA
FILED IN OFFICE

2013 MAY -2 PM 4: 28

COBB COUNTY ZONING DIVISION

Application No. z- 39
July (2013)

Summary of Intent for Rezoning*

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): Minimum 2,400 square feet
- b) Proposed building architecture: Traditional
- c) Proposed selling prices(s): Mid \$300s
- d) List all requested variances: None known at this time
- _____
- _____
- _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Not Applicable
- b) Proposed building architecture: _____
- c) Proposed hours/days of operation: _____
- d) List all requested variances: _____
- _____
- _____
- _____

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

None known at this time

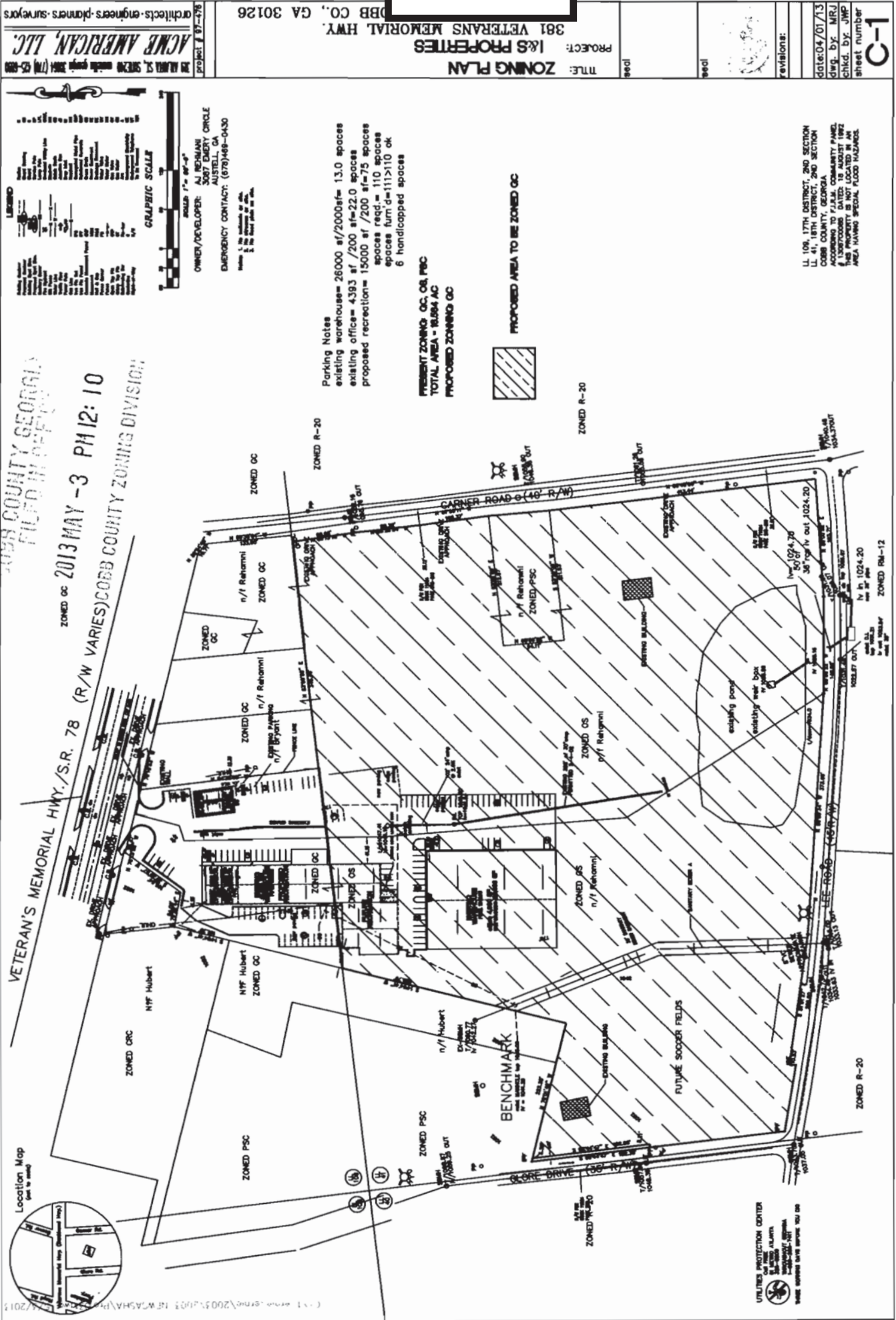
.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

None known at this time.

***Applicant specifically reserves the right to amend any information set forth in the Summary of Intent for Rezoning, or any other part of the Application for Rezoning, at any time during the rezoning process.**

Z-40
(2013)



APPLICANT: A.J. Rehmani

(678) 469-0430

REPRESENTATIVE: A.J. Rehmani

(678) 469-0430

TITLEHOLDER: A.J. Rehmani and Ronda Rehmani

PROPERTY LOCATION: South side of Veterans Memorial Highway,
north side of Lee Road, east of Glore Drive, west of Garner Road
(381 Veterans Memorial Highway)

ACCESS TO PROPERTY: Veterans Memorial Highway

PHYSICAL CHARACTERISTICS TO SITE: _____

CONTIGUOUS ZONING/DEVELOPMENT

PETITION NO: Z-40

HEARING DATE (PC): 07-08-13

HEARING DATE (BOC): 07-16-13

PRESENT ZONING: OS, PSC

PROPOSED ZONING: GC

PROPOSED USE: Indoor/Outdoor Soccer

SIZE OF TRACT: 16.564 acres

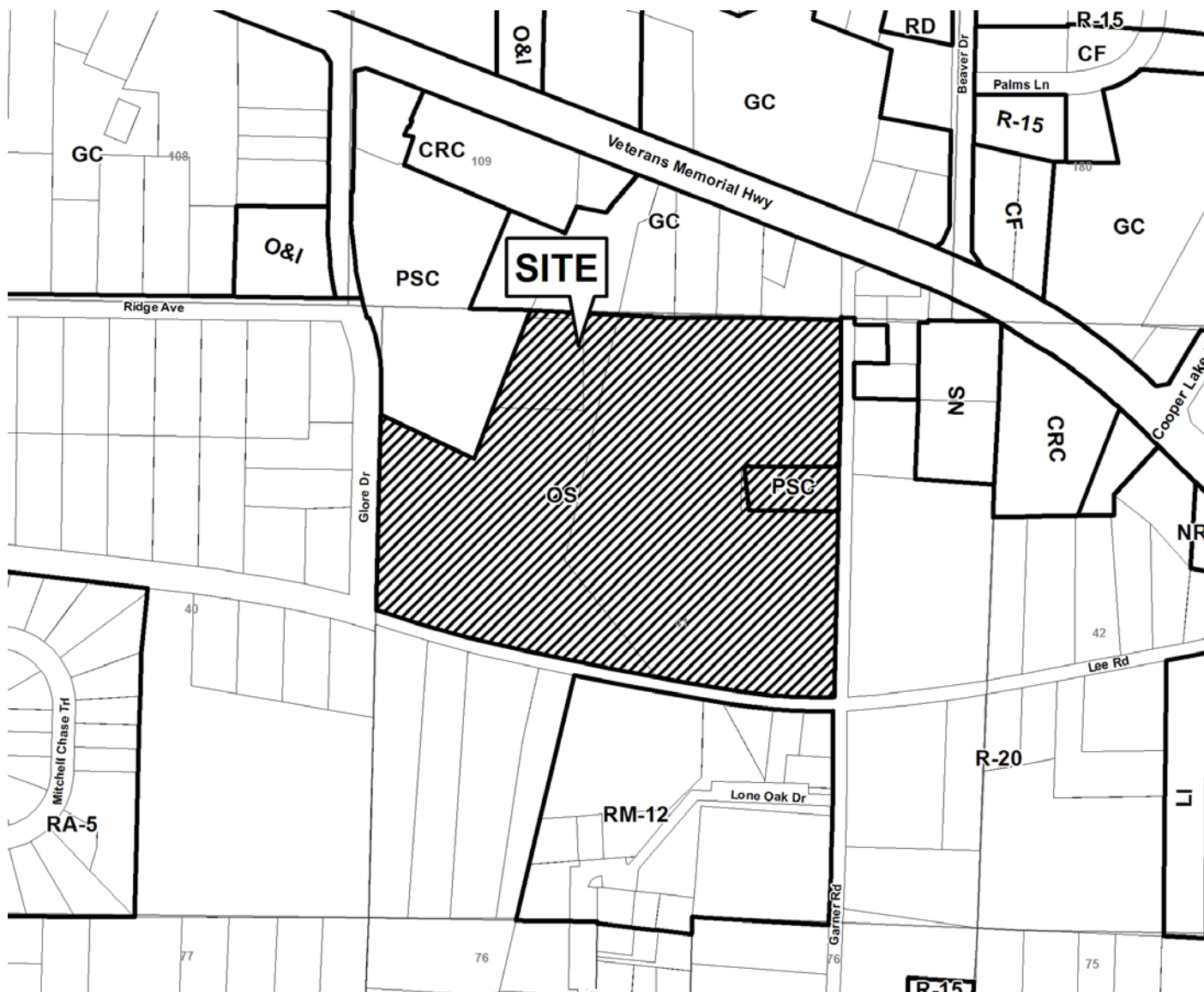
DISTRICT: 17, 18

LAND LOT(S): 109, 41

PARCEL(S): 49

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4



Application No. Z-40

July 2013

Summary of Intent for Rezoning

.....
Part 1. Residential 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: _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Indoor/outdoor Soccer fields.
b) Proposed building architecture: N/A
c) Proposed hours/days of operation: N/A
d) List all requested variances: N/A

COBB COUNTY ZONING DIVISION

2013 MAY -3 AM 10:34

COBB COUNTY GEORGIA
ENGINEERING OFFICE

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

PART OF THE PROPERTY IS CURRENTLY ZONED GC. WE ARE REQUESTING TO REZONE THE REMAINDER OF THIS PROPERTY TO GC IN ORDER TO CONSTRUCT INDOOR/OUTDOOR ^{FUTURE} SOCCER FIELDS.

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

L

[Signature]



APPLICANT: James E. Edwards and Marjorie V. Edwards

(770) 943-3962

REPRESENTATIVE: James E. Edwards and Marjorie V. Edwards

(770) 943-3962

TITLEHOLDER: James E. Edwards and Marjorie V. Edwards

PROPERTY LOCATION: Southwest corner of Powder Springs Road
and Carter Road

(3441 Powder Springs Road)

ACCESS TO PROPERTY: Powder Springs Road and
Carter Road

PHYSICAL CHARACTERISTICS TO SITE: _____

CONTIGUOUS ZONING/DEVELOPMENT

PETITION NO: Z-41

HEARING DATE (PC): 07-08-13

HEARING DATE (BOC): 07-16-13

PRESENT ZONING: LI

PROPOSED ZONING: NRC and R-15

PROPOSED USE: Commercial and Residential

SIZE OF TRACT: 5.344 acres

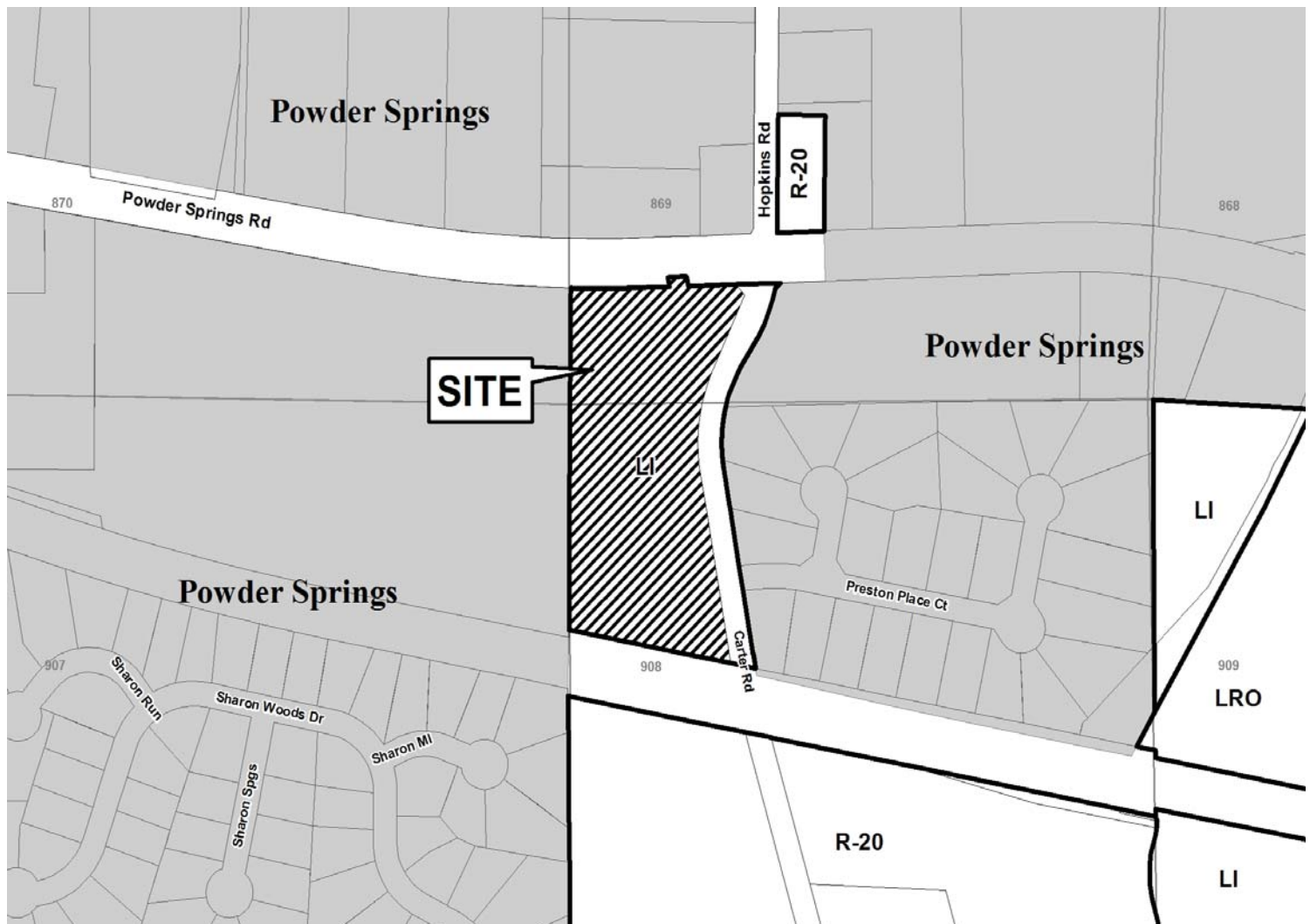
DISTRICT: 19

LAND LOT(S): 869,908

PARCEL(S): 14

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4



Application No. Z-41July 2013**Summary of Intent for Rezoning**.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): N/A
- b) Proposed building architecture: _____
- c) Proposed selling prices(s): _____
- d) List all requested variances: _____
- _____
- _____
- _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): N/A
- b) Proposed building architecture: _____
- c) Proposed hours/days of operation: _____
- d) List all requested variances: _____
- _____
- _____
- _____

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

REZONE THE LAND to comply with the
ATTACHED CERTIFICATION OF ZONING
DATED NOVEMBER 6, 2006

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

NO



**COBB COUNTY
COMMUNITY DEVELOPMENT AGENCY**

191 Lawrence Street
Marietta, Georgia 30060-1689
(770) 528-2125 • fax: (770) 528-2126
Email: rhosack@cobbcounty.org

Rob Hosack, AICP
Director

Certification of Zoning

This is to certify the following described property, located in land lot(s) 869 & 908 of the 19th District, 2nd Section, Cobb County, Georgia, is in the **NRC & R-15** zoning classification(s). The zoning of this property is recorded in the official records of the Cobb County Community Development Agency, Zoning Division.

The property is more particularly described as follows:

See Exhibit "A"; PLAT OF SURVEY FOR

L. O. ABERNATHY

MARY GERALDINE CURTIS

See Exhibit "B"; Zoning Hearing Minutes (Z-135) date of hearing 10-21-97, for stipulations applicable to the property described in Exhibit "A".


See Exhibit "C"; Copy of Zoning District regulations, **Sec134-213. NRC neighborhood retail commercial**, applicable to the property described in Exhibit "A".

See Exhibit "D"; Copy of Zoning District regulations, **Sec134-198. R-15 single-family residential district**, applicable to the property described in Exhibit "A".

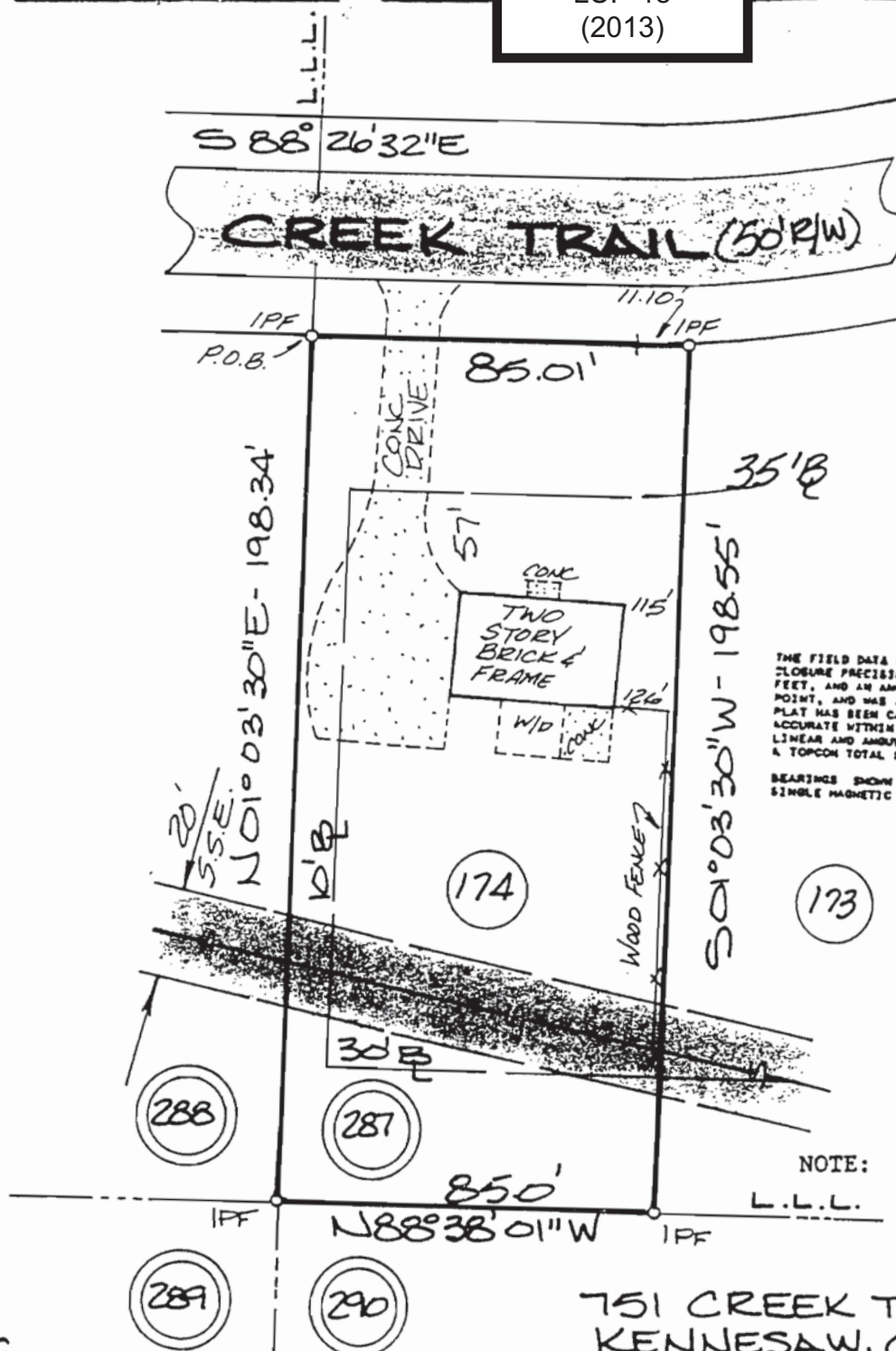
NOTE: SEE COPY OF SURVEY EXHIBIT "A" FOR LOCATION OF DIFFERENT ZONING DESIGNATIONS.

THIS CERTIFICATION IS NOT FOR OBTAINING A BUILDING PERMIT

Date: November 6, 2006


Timothy D. Pearce
Geographic Information System Tech.

**NOTE: IF YOU HAVE ANY QUESTIONS CONCERNING THIS CERTIFICATE
PLEASE CONTACT THE ZONING DIVISION AT 770-528-2005**

LUP-18
(2013)COBB COUNTY GEORGIA
FILED IN OFFICE
2013 APR 18 PM 1:43
COBB COUNTY ZONING DIVISIONMcCLUNG
SURVEYING

Part of
This property (is) located in a Federal Flood Area as indicated by F.I.R.M. Official Flood Hazard Maps. ZONE A
In my opinion this plat is a correct representation of the land matterd.

Perry E. McClung, Surveyor



Fences should not be placed using side dimensions from house.

PROPERTY OF

ROBERT GARCIA &
TEENA W. GARCIA

LOT 174
YORKTOWNE
(FORMERLY: CRIPPLE CREEK II)
LAND LOT 287
DISTRICT 16TH. SECTION 2ND.
COUNTY COBB
GEORGIA

PB 103 PG 87

DATE 5-13-91 SCALE 1"=40'

MRP-W

APPLICANT: Walter Donald Beckwith
(404) 542-0524

REPRESENTATIVE: Walter Donald Beckwith
(404) 542-0524

TITLEHOLDER: Walter Donald Beckwith and Stephanie P. Beckwith

PROPERTY LOCATION: South side of Creek Trail, southwest
of North Booth Road
(751 Creek Trail)

ACCESS TO PROPERTY: Creek Trail

PHYSICAL CHARACTERISTICS TO SITE: _____

PETITION NO: LUP-18

HEARING DATE (PC): 07-08-13

HEARING DATE (BOC): 07-16-13

PRESENT ZONING: R-15

PROPOSED ZONING: Land Use Permit

PROPOSED USE: Allow more adults
than County Code permits

SIZE OF TRACT: 0.38 acres

DISTRICT: 16

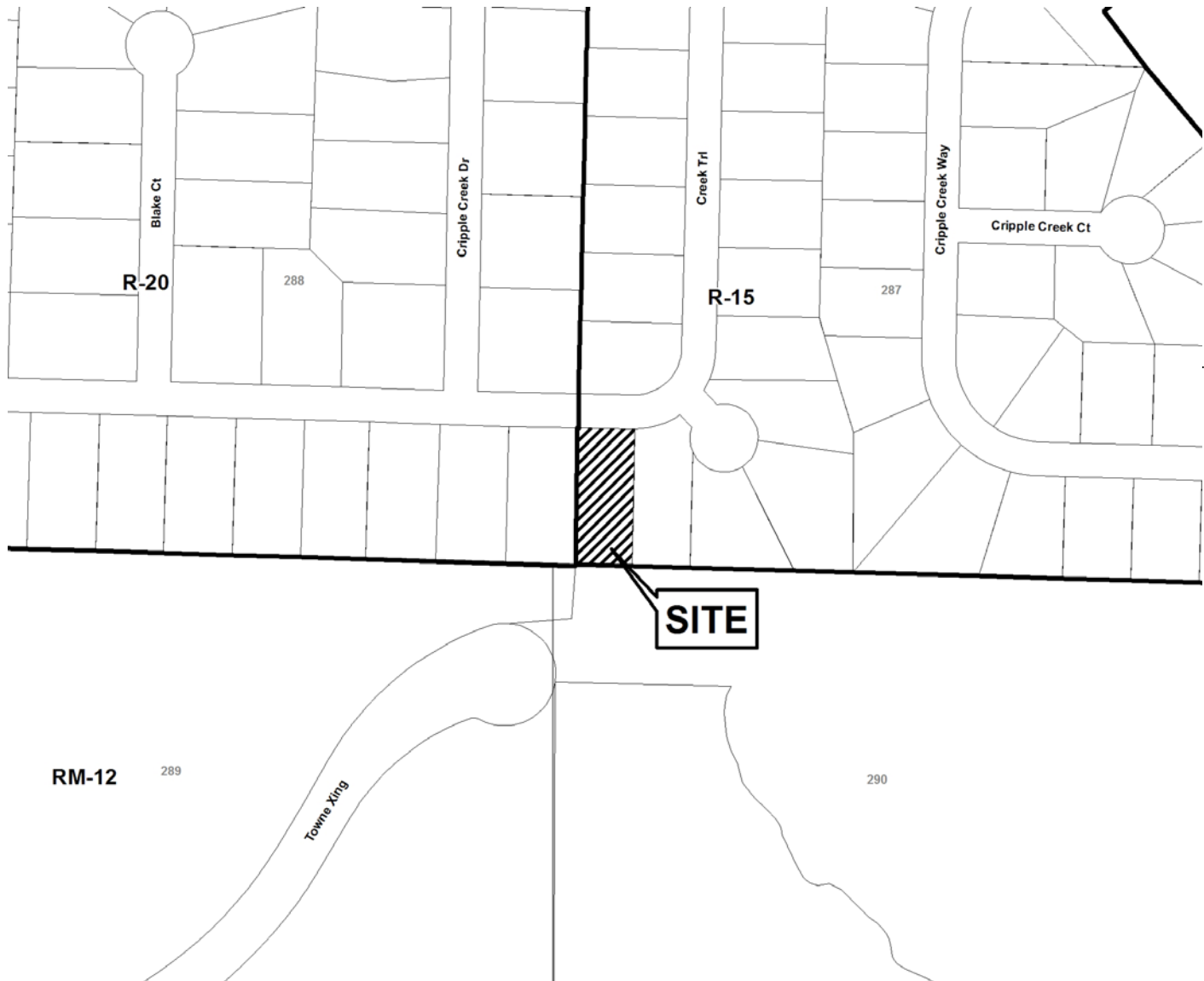
LAND LOT(S): 287

PARCEL(S): 78

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT



COBB COUNTY WATER SYSTEM

Project: D. McCarty, J.E.
 Design: J.E. McCarty
 Drawn: J.E. McCarty
 Checked: J.E. McCarty
 Date: 10/1/07



Cobb County Water System
 1000 Peachtree Street, N.E.
 Atlanta, GA 30309

A Plan Sheet This has been submitted by the Cobb County Water System for the following project:

PROJECT NAME: TOP OF THE LINE RESIDENTIAL CARE
 STREET NAME: 4712 MEADOWS RD
 LAYOUT: 1007
 CONTRACT NAME: SOUTH IN PLACE
 PHONE: 770-433-2346
 TEST DATE: 7/20/07
 TEST: 121
 PER: 2.08
 CPM: 2.92
 CPM: 3.00
 TYPE OF SYSTEM: 1007
 TYPE OF SYSTEM: 1007
 TYPE OF SYSTEM: 1007

The water of the test has been found to be in accordance with the following specifications:
 PER: 2.08
 CPM: 2.92
 CPM: 3.00
 TYPE OF SYSTEM: 1007
 TYPE OF SYSTEM: 1007
 TYPE OF SYSTEM: 1007

Top of the Line System
 Static Hydraulic Diagram No. 1007
 Static Hydraulic Diagram No. 1007

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TOP OF THE LINE RESIDENTIAL CARE 4712 MEADOWS ROAD POWDER SPRINGS, GEORGIA 30127

CURRENT CODES

1. BUILDING CODE: 2000 EDITION, WITH GEORGIA AMENDMENTS
2. MECHANICAL CODE: 2000 EDITION, WITH GEORGIA AMENDMENTS
3. ELECTRICAL CODE: 2000 EDITION, WITH GEORGIA AMENDMENTS
4. PLUMBING CODE: 2000 EDITION, WITH GEORGIA AMENDMENTS
5. INTERNATIONAL FIRE CODE: 2000 EDITION, WITH GEORGIA AMENDMENTS
6. INTERNATIONAL FIRE CODE: 2000 EDITION, WITH GEORGIA AMENDMENTS
7. LIFE SAFETY CODE: 2000 EDITION, WITH GEORGIA AMENDMENTS
8. LIFE SAFETY CODE: 2000 EDITION, WITH GEORGIA AMENDMENTS
9. ACCESSIBILITY CODE: 2000 EDITION, WITH GEORGIA AMENDMENTS

DRAWING LIST

- | NO. | DESCRIPTION |
|-------|----------------------------------|
| A-01 | COVER SHEET / SITE PLAN |
| A-02 | FIRST FLOOR FLOOR PLAN |
| A-03 | SECOND FLOOR FLOOR PLAN |
| A-04 | THIRD FLOOR FLOOR PLAN |
| A-05 | FOURTH FLOOR FLOOR PLAN |
| A-06 | FIFTH FLOOR FLOOR PLAN |
| A-07 | SIXTH FLOOR FLOOR PLAN |
| A-08 | SEVENTH FLOOR FLOOR PLAN |
| A-09 | EIGHTH FLOOR FLOOR PLAN |
| A-10 | NINTH FLOOR FLOOR PLAN |
| A-11 | TENTH FLOOR FLOOR PLAN |
| A-12 | ELEVENTH FLOOR FLOOR PLAN |
| A-13 | TWELFTH FLOOR FLOOR PLAN |
| A-14 | THIRTEENTH FLOOR FLOOR PLAN |
| A-15 | FOURTEENTH FLOOR FLOOR PLAN |
| A-16 | FIFTEENTH FLOOR FLOOR PLAN |
| A-17 | SIXTEENTH FLOOR FLOOR PLAN |
| A-18 | SEVENTEENTH FLOOR FLOOR PLAN |
| A-19 | EIGHTEENTH FLOOR FLOOR PLAN |
| A-20 | NINETEENTH FLOOR FLOOR PLAN |
| A-21 | TWENTIETH FLOOR FLOOR PLAN |
| A-22 | Twenty-first Floor Floor Plan |
| A-23 | Twenty-second Floor Floor Plan |
| A-24 | Twenty-third Floor Floor Plan |
| A-25 | Twenty-fourth Floor Floor Plan |
| A-26 | Twenty-fifth Floor Floor Plan |
| A-27 | Twenty-sixth Floor Floor Plan |
| A-28 | Twenty-seventh Floor Floor Plan |
| A-29 | Twenty-eighth Floor Floor Plan |
| A-30 | Twenty-ninth Floor Floor Plan |
| A-31 | Thirtieth Floor Floor Plan |
| A-32 | Thirty-first Floor Floor Plan |
| A-33 | Thirty-second Floor Floor Plan |
| A-34 | Thirty-third Floor Floor Plan |
| A-35 | Thirty-fourth Floor Floor Plan |
| A-36 | Thirty-fifth Floor Floor Plan |
| A-37 | Thirty-sixth Floor Floor Plan |
| A-38 | Thirty-seventh Floor Floor Plan |
| A-39 | Thirty-eighth Floor Floor Plan |
| A-40 | Thirty-ninth Floor Floor Plan |
| A-41 | Fortieth Floor Floor Plan |
| A-42 | Forty-first Floor Floor Plan |
| A-43 | Forty-second Floor Floor Plan |
| A-44 | Forty-third Floor Floor Plan |
| A-45 | Forty-fourth Floor Floor Plan |
| A-46 | Forty-fifth Floor Floor Plan |
| A-47 | Forty-sixth Floor Floor Plan |
| A-48 | Forty-seventh Floor Floor Plan |
| A-49 | Forty-eighth Floor Floor Plan |
| A-50 | Forty-ninth Floor Floor Plan |
| A-51 | Fiftieth Floor Floor Plan |
| A-52 | Fifty-first Floor Floor Plan |
| A-53 | Fifty-second Floor Floor Plan |
| A-54 | Fifty-third Floor Floor Plan |
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| A-58 | Fifty-seventh Floor Floor Plan |
| A-59 | Fifty-eighth Floor Floor Plan |
| A-60 | Fifty-ninth Floor Floor Plan |
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| A-84 | Eighty-third Floor Floor Plan |
| A-85 | Eighty-fourth Floor Floor Plan |
| A-86 | Eighty-fifth Floor Floor Plan |
| A-87 | Eighty-sixth Floor Floor Plan |
| A-88 | Eighty-seventh Floor Floor Plan |
| A-89 | Eighty-eighth Floor Floor Plan |
| A-90 | Eighty-ninth Floor Floor Plan |
| A-91 | Ninetieth Floor Floor Plan |
| A-92 | Ninety-first Floor Floor Plan |
| A-93 | Ninety-second Floor Floor Plan |
| A-94 | Ninety-third Floor Floor Plan |
| A-95 | Ninety-fourth Floor Floor Plan |
| A-96 | Ninety-fifth Floor Floor Plan |
| A-97 | Ninety-sixth Floor Floor Plan |
| A-98 | Ninety-seventh Floor Floor Plan |
| A-99 | Ninety-eighth Floor Floor Plan |
| A-100 | Ninety-ninth Floor Floor Plan |
| A-101 | Hundredth Floor Floor Plan |

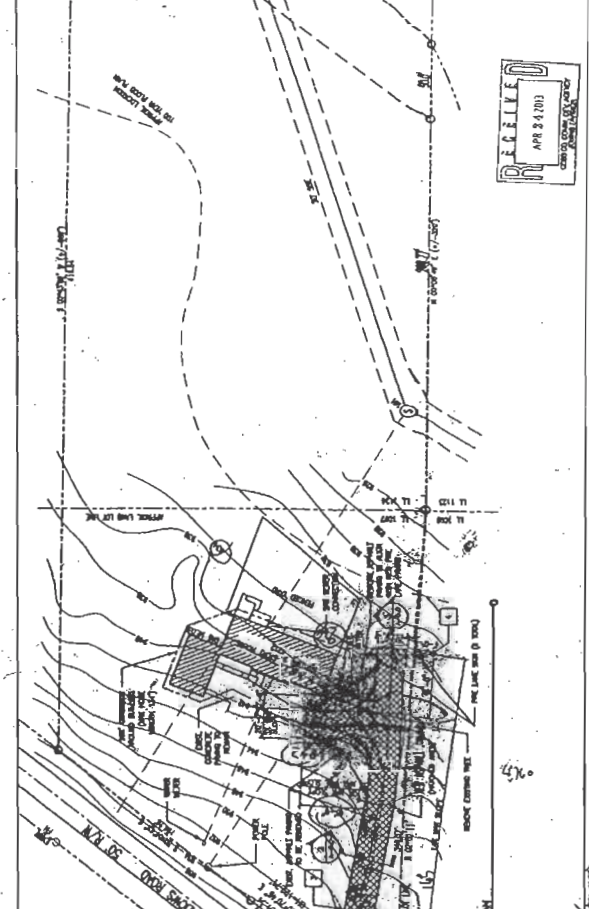
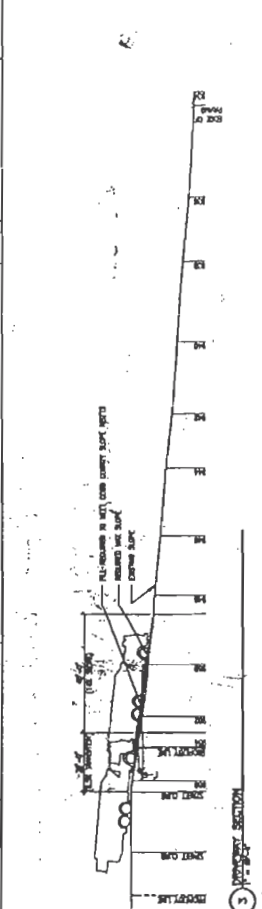
DIRECTORY

OWNER
 TOP OF THE LINE
 4712 MEADOWS ROAD
 POWDER SPRINGS, GA 30127
 (770) 433-2346

ARCHITECT
 G.A. LINDLEY ARCHITECT
 4712 MEADOWS ROAD
 POWDER SPRINGS, GA 30127
 (770) 433-2346

SITE NOTES:

1. CLIP AND PASTE MAPS, ETC. FOR THE SITE.
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TOP OF THE LINE
 RESIDENTIAL CARE
 4712 MEADOWS ROAD
 POWDER SPRINGS, GEORGIA 30127

COVER SHEET
 1 SITE PLAN

FOR CONSTRUCTION
 SHEET TITLE: COVER SHEET
 SHEET NUMBER: A-00

CCWS
 No. 1007
 4712 MEADOWS ROAD
 POWDER SPRINGS, GEORGIA 30127

TOP OF THE LINE
 RESIDENTIAL CARE
 4712 MEADOWS ROAD
 POWDER SPRINGS, GEORGIA 30127

COVER SHEET
 1 SITE PLAN

APPLICANT: Top of the Line

(770) 335-2246

REPRESENTATIVE: Edith M. Page, R.N.

(770) 943-8277

TITLEHOLDER: Edith Page

PROPERTY LOCATION: Southwest side of Meadows Road,

southeast of Lewis Road, all southwest of C.H. James Parkway

(4712 Meadows Road)

ACCESS TO PROPERTY: Meadows Road

PHYSICAL CHARACTERISTICS TO SITE: _____

CONTIGUOUS ZONING/DEVELOPMENT

PETITION NO: LUP-19

HEARING DATE (PC): 07-08-13

HEARING DATE (BOC): 07-16-13

PRESENT ZONING: R-20

PROPOSED ZONING: Land Use Permit

(Renewal)

PROPOSED USE: Group Home

for Eight Residents

SIZE OF TRACT: 5.0 acres

DISTRICT: 19

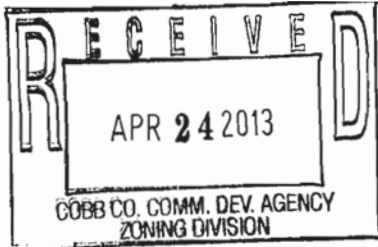
LAND LOT(S): 1097, 1124

PARCEL(S): 9

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4





Application #: LUP-19
PC Hearing Date: 7-8-13
BOC Hearing Date: 7-16-13

TEMPORARY LAND USE PERMIT WORKSHEET

1. Type of business? PERSONAL CARE HOME - ADULT DAY HOME
2. Number of employees? 2 PERSONS, EACH w/ 12 HR SHIFTS
3. Days of operation? 7 days A WEEK
4. Hours of operation? 24 Hour A day
5. Number of clients, customers, or sales persons coming to the house per day? 8 client ; Per week? 17 days
6. Where do clients, customers and/or employees park?
Driveway: X ; Street: ; Other (Explain): Plenty of Paved PARKING
NO PARKING IN FIRE LANE OR ON the STREET
7. Signs? No: X ; 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.): NONE
9. Deliveries? No X ; 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 X - 50% ; No
11. Any outdoor storage? No ; Yes X (If yes, please state what is kept outside): Shed always exist w/ Riding lawn mower
12. Length of time requested: 24 months w/ Annual Review
13. Any additional information? (Please attach additional information if needed):
WE WILL HAVE CAMERAS IN MAIN LIVING AREA OF
THE HOME "NANNIE CAM" AND OUTDOORS, MONITORED
24/7. ALSO HAVE FIRE BURGLAR ALARM ALREADY ACTIVE
Applicant signature: Edith M Page Date: 4-23-2013
Applicant name (printed): Edith M Page