

APPLICANT: Windee L. Colbert

PETITION NO: LUP-31

PHONE#: (770) 714-4216 **EMAIL:** windeecolbert@gmail.com

HEARING DATE (PC): 10-07-14

REPRESENTATIVE: Windee L. Colbert

HEARING DATE (BOC): 10-21-14

PHONE#: (770) 714-4216 **EMAIL:** windeecolbert@gmail.com

PRESENT ZONING: R-20

TITLEHOLDER: Stephen Michael Colbert and Windee L. Colbert

PROPOSED ZONING: Land Use Permit

PROPERTY LOCATION: East side of Keheley Road, south of Millhouse Landing (4216 Keheley Road).

PROPOSED USE: Firearms Dealer

ACCESS TO PROPERTY: Keheley Road

SIZE OF TRACT: 5.0 acres

DISTRICT: 16

PHYSICAL CHARACTERISTICS TO SITE: Existing one-story frame house

LAND LOT(S): 197

PARCEL(S): 3

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: PRD/ Spencers Mill Subdivision

SOUTH: R-20/ Vacant, undeveloped

EAST: PRD/ Spencers Mill Subdivision

WEST: R-20/ Single-family residence

OPPOSITION: NO. OPPOSED **PETITION NO:** _____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

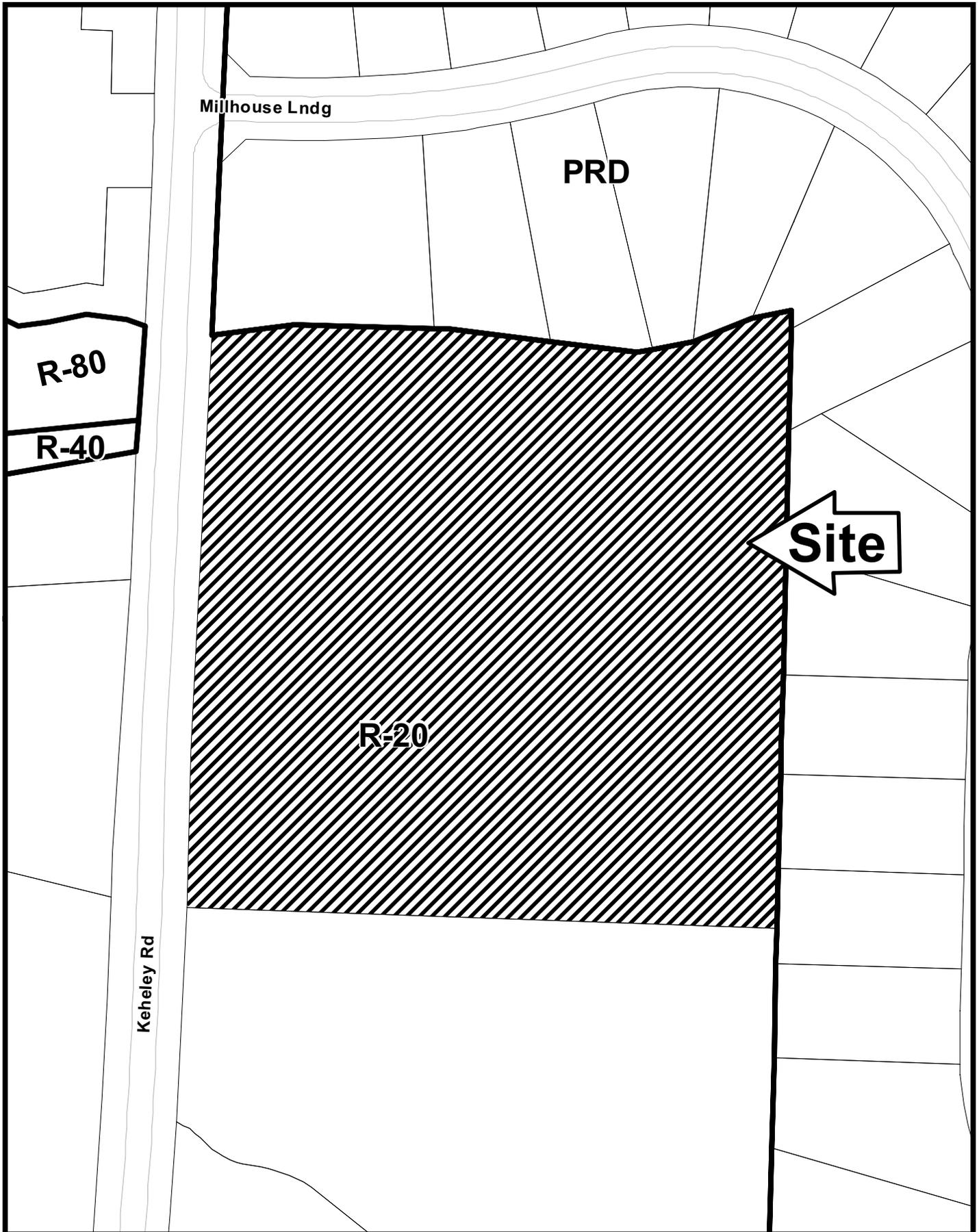
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

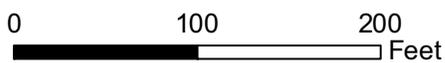
STIPULATIONS:



LUP-31



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



-  City Boundary
-  Zoning Boundary

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PRESENT ZONING: R-20

PETITION FOR: LUP

ZONING COMMENTS: Staff Member Responsible: Terry Martin, MPA

The applicant is requesting consideration for a Temporary Land Use Permit (LUP) to allow her to operate as a Federal Firearms License Holder/Dealer from her residence. Currently operation out of a 3,000 square foot warehouse on Canton Road, the applicant wishes to move her and her husband’s operation to their home. The business entails the buying and selling of high end collectible firearms as well as firearms estates and collections through auctions and private sales.

The applicant proposes hours of operations Monday through Friday from noon to 4:00pm. Only one (1) or two (2) clients/customers are anticipated to visit each week. Regular deliveries will consist of two (2) or three (3) packages by USPS each week and one (1) or two (2) by FedEx or UPS each month. The applicant is requesting approval for two (2) years.

Historic Preservation: No comments.

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

WATER & SEWER COMMENTS:

No comments.

TRAFFIC COMMENTS:

Recommend no parking on the right-of-way.

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

FIRE COMMENTS:

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal’s Office is confident that all other items can be addressed during the Plan Review Stage.

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STORMWATER MANAGEMENT COMMENTS

No comment.

STAFF RECOMMENDATIONS

LUP-31 WINDEE L. COLBERT

The applicant is requesting a Temporary Land Use Permit (LUP) to allow operation of a Federal Firearms License Holder/Dealer from her residence. The applicant and her husband desire to move their operations from their current warehouse location on Canton Road in order to buy and sell firearms from their home. Proposed operations will take place Monday through Friday from noon to 4:00pm with one (1) or two (2) customers anticipated each week. Also, deliveries by USPS will occur two (2) or three (3) times a week and by FedEx or UPS one (1) or two (2) times a month. While the applicant points to the size and layout of the residential property as evidence that these visits will not be detrimental to the neighborhood, they do represent an encroachment of commercial activity into this residential area. Moreover, located within a LDR low density residential future land use area, granting approval to the request will definitely be a step away from the low density residential character forecast by the *Cobb County Comprehensive Plan*. Therefore, based on the above analysis and a strict interpretation of the Code, Staff recommends **DENIAL**.

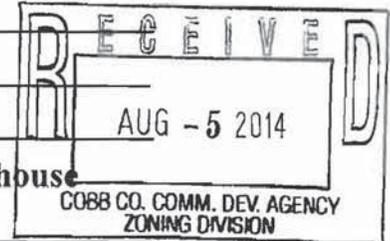
The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.



Application #: LUP 31
PC Hearing Date: 10-7-14
BOC Hearing Date: 10-21-14

TEMPORARY LAND USE PERMIT WORKSHEET

1. Type of business? Federal Firearms License Holder/Dealer
2. Number of employees? 0
3. Days of operation? Mon - Friday
4. Hours of operation? 12-4
5. Number of clients, customers, or sales persons coming to the house per day? 0 ; Per week? 1 or 2
6. Where do clients, customers and/or employees park?
Driveway: X ; Street: _____ ; Other (Explain): _____
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.): 0
9. Deliveries? No _____ ; Yes X (If yes, then how many per day or week, and is the delivery via semi-truck, USPS, Fedex, UPS, etc.)
2 to 3 / week US Mail / 1 to 2 Month FedEx or UPS
10. Does the applicant live in the house? Yes X ; No _____
11. Any outdoor storage? No X ; 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):
See attached



Applicant signature: Windee Colbert Date: 7/24/14
Applicant name (printed): Windee L. Colbert

#13 Attachment

Windee Colbert dba Classic Collection Firearms of Georgia

My husband and I are Federal Firearms License holders. We are currently operating from a 3000 square foot warehouse located in a commercial building we own, 4990 Canton Road, in Cobb County. We also have a current Cobb County business license.

We buy and sell high end collectible firearms. We also buy and sell firearms estates and collections. We do not have a retail store. Our sales are generated through auctions and private sales. We have no walk in customers. Occasionally, we may have an appointment with a potential buyer or seller, at our place of business. This may occur only one or two times a month.

We currently use the space we are in as our admin office/warehouse and house a small amount of inventory. Because we have recently encountered a financial hardship, we would like to move our business to our home. This would allow us to lease the warehouse we are currently using, to generate some additional income. Therefore, we are requesting a temporary land use permit to operate our business from home for two years.

Our home is privately located on 8 acres, with a gated entrance and brick wall enclosure on the street front. The remainder of the property is enclosed with a combination of brick and 6' chain link fencing. There are woods on both sides and the rear of the property. We have one home directly across the street from our driveway that is visible. The only other homes near ours are at least 400 plus feet away and cannot be seen through the woods.

We have more than ample parking for a visitor and/or deliveries. We receive our personal mail on a daily basis at home. All deliveries we receive for our business are also received by the US Postal service. We may get one or two deliveries a month via USP or Fed EX. This would be no more than we already receive personally at our home. Our business would be virtually invisible and have no impact on any neighbors or community.

Thank you for your time and consideration of my request and for your service to our community.

Windee Colbert

