

Z-79  
(2014)



LOCATION MAP 1" = 2000'

ZONING NOTES:  
ALL DISTRICTS ARE SUBJECT TO THE ZONING ORDINANCE AS AMENDED.  
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ZONING PLAN TOP  
630 & 660 KENNESAW DUE  
WEST ROAD  
LOCATED IN ZONING SECTION  
COBB COUNTY, GA

**Gaskins**  
Professional Surveyors & Engineers  
1000 Peachtree Street, N.E.  
Atlanta, Georgia 30309  
Phone: 404.525.1234  
Fax: 404.525.1235  
www.gaskins.com



THIS SURVEY WAS PREPARED IN COMPLIANCE WITH THE PROFESSIONAL ENGINEERING ACT OF 1907 AS AMENDED BY THE GEORGIA BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS. THE SURVEYOR'S SEAL IS A REQUIREMENT OF THE PROFESSIONAL ENGINEERING ACT OF 1907 AS AMENDED BY THE GEORGIA BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS.

COBB COUNTY  
JACK COOPER, CLERK  
ATTESTED IN WITNESS WHEREOF  
AT KENNESAW, GA 2014

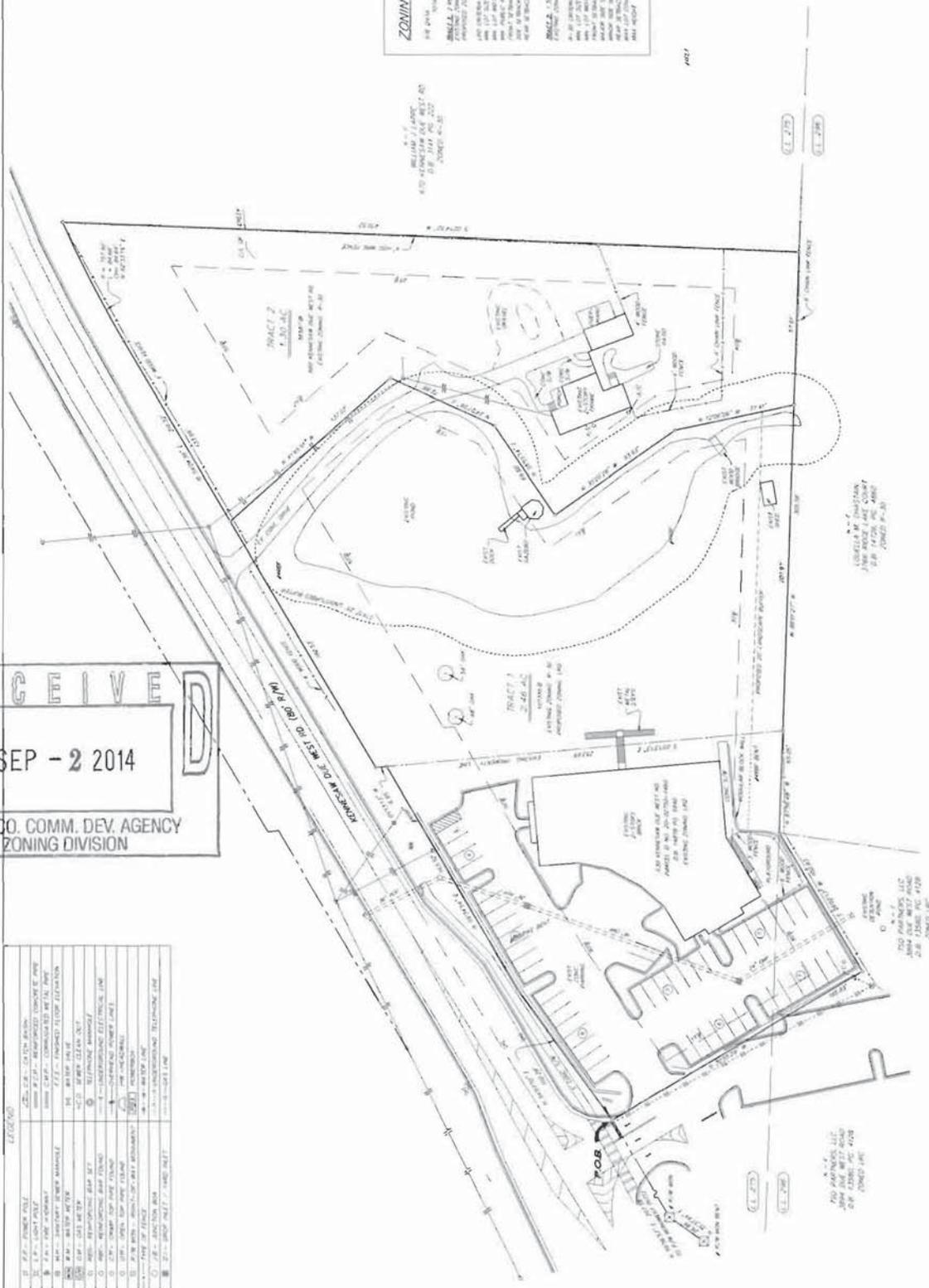
- NOTES:  
1. BOUNDARY SURVEY BY GASKINS SURVEYING & ENGINEERING, INC. FOR THE PROJECT AT 630 & 660 KENNESAW DUE WEST ROAD, KENNESAW, GA. DATE: 08/20/14.  
2. ALL SURVEY DATA AND CALCULATIONS ARE BASED ON THE FIELD NOTES AND PLANS OF THE PROJECT.  
3. THE SURVEYOR HAS REVIEWED THE PLANS AND FOUND THEM TO BE IN ACCORDANCE WITH THE ZONING ORDINANCE.  
4. THE SURVEYOR HAS REVIEWED THE PLANS AND FOUND THEM TO BE IN ACCORDANCE WITH THE ZONING ORDINANCE.

THE PLAN IS TO BE SUBMITTED TO THE COBB COUNTY ZONING DIVISION FOR REVIEW AND APPROVAL. THE PLAN IS TO BE SUBMITTED TO THE COBB COUNTY ZONING DIVISION FOR REVIEW AND APPROVAL. THE PLAN IS TO BE SUBMITTED TO THE COBB COUNTY ZONING DIVISION FOR REVIEW AND APPROVAL.

RECEIVED  
SEP - 2 2014  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

LEGEND

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**APPLICANT:** Jack Cooper Holdings Corp.  
**PHONE#:** (816) 983-4000 **EMAIL:** n/a  
**REPRESENTATIVE:** T. Michael Riggs  
**PHONE#:** (816) 983-4000 **EMAIL:** n/a  
**TITLEHOLDER:** Jack Cooper Holdings Corp.

**PETITION NO:** Z-79  
**HEARING DATE (PC):** 11-04-14  
**HEARING DATE (BOC):** 11-18-14  
**PRESENT ZONING:** R-30

**PROPERTY LOCATION:** South side of Kennesaw Due West Road,  
east of Acworth Due West Road  
(660 Kennesaw Due West Road).

**PROPOSED ZONING:** LRO

**ACCESS TO PROPERTY:** Kennesaw Due West Road

**PROPOSED USE:** Combine Existing Portion  
of Residential having Encroachment from LRO

**PHYSICAL CHARACTERISTICS TO SITE:** Undeveloped acreage  
with lake and encroaching steps from LRO property to the west

**SIZE OF TRACT:** 1.46 acres  
**DISTRICT:** 20  
**LAND LOT(S):** 275, 296  
**PARCEL(S):** 36, 146

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 1

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** R-20, R-80/Kirkwood Presbyterian Church and Single Family Dwelling
- SOUTH:** R-30/Single Family Dwelling
- EAST:** R-30/Single Family Dwelling
- WEST:** LRO/Business Management Offices

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

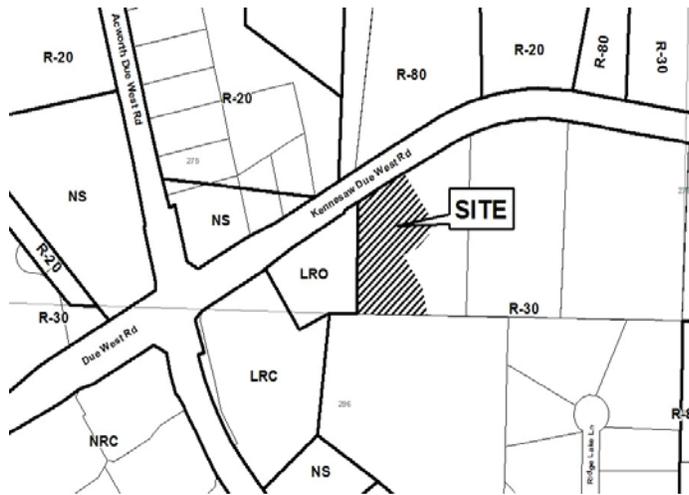
**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

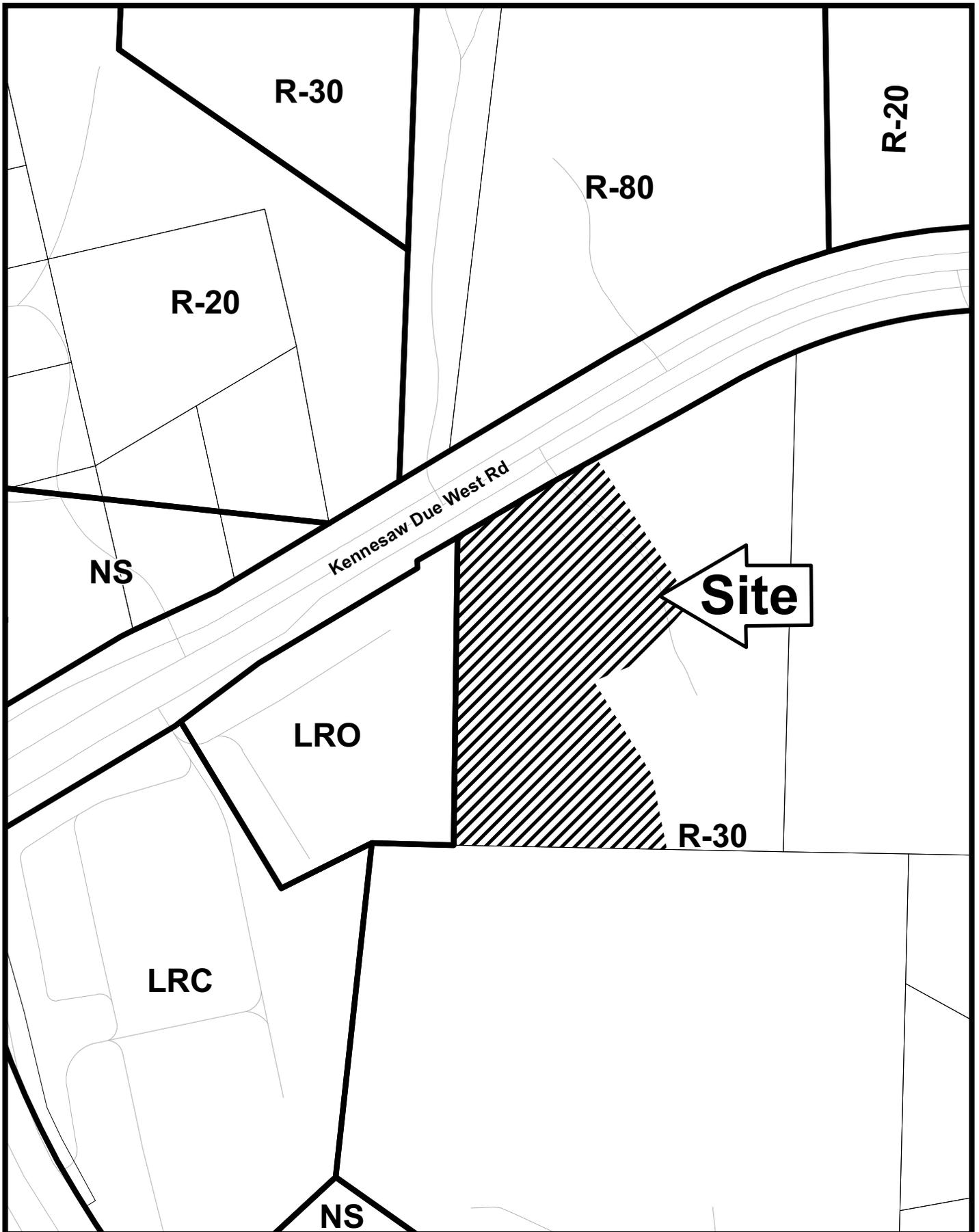
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

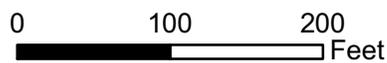
**STIPULATIONS:**



# Z-79



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Jack Cooper Holdings Corp.

PETITION NO.: Z-79

PRESENT ZONING: R-30

PETITION FOR: LRO

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Kim Wakefield

**Land Use Plan Recommendation:** Low Density Residential (LDR)

**Proposed Number of Buildings:** 0      **Total Square Footage of Development:** N/A

**F.A.R.:** N/A      **Square Footage/Acre:** N/A

**Parking Spaces Required:** 0      **Parking Spaces Provided:** 0

Applicant is requesting the Low-Rise Office (LRO) zoning category due to a 10 foot encroachment of the existing metal steps from the already commercially zoned property to the west to bring the property into compliance with the current County Code. The applicant has no plans for future construction and only applies for rezoning to correct the existing encroachment.

**Cemetery Preservation:** No comment.

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**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.

APPLICANT: Jack Cooper Holdings Corp.

PETITION NO.: Z-79

PRESENT ZONING: R-30

PETITION FOR: LRO

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-30 to LRO for purpose of combining existing portion of residential having encroachment from LRO. The 1.46 acre site is located on the south side of Kennesaw Due West Road east of Acworth Due West Road.

**Comprehensive Plan**

The parcel is within a Low Density Residential (LDR) future land use category, with R-30 zoning designation. The purpose of the Low Density Residential (LDR) category is to provide for areas that are suitable for low density housing between one (1) and two and one-half (2.5) dwelling units per acre. This category presents a range of densities.

**Master Plan/Corridor Study**

Not applicable.

**Historic Preservation**

It has been determined that the project area is in the immediate vicinity of documented Civil War trenches. In order to determine if any significant Civil War features are located within the project area, an archeological field survey performed by a cultural resource professional is to be considered at site plan review. This survey, if completed, should be submitted to the historic preservation planner. Based on the determination of either the presence or absence of potentially significant features, further recommendations (such as buffers, fencing, interpretive signage, etc.) shall be made by staff.

**Design Guidelines**

Is the parcel in an area with Design Guidelines?     Yes             No  
If yes, design guidelines area \_\_\_\_\_  
Does the current site plan comply with the design requirements?

**Incentive Zones**

Is the property within an Opportunity Zone?     Yes             No  
The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone?     Yes             No  
The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?     Yes             No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

**APPLICANT:** Jack Cooper Holdings Corp.

**PETITION NO.:** Z-79

**PRESENT ZONING:** R-30

**PETITION FOR:** LRO

\*\*\*\*\*

**PLANNING COMMENTS:**

***Special Districts***

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes       No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes       No

APPLICANT Jack Cooper Holdings Corp.

PETITION NO. Z-079

PRESENT ZONING R-30, LRO

PETITION FOR LRO

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**WATER COMMENTS:** NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development:  Yes  No

Fire Flow Test Required:  Yes  No

Size / Location of Existing Water Main(s): 12" DI / S side of Kennesaw Due West Rd

Additional Comments: Existing water customer

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

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**SEWER COMMENTS:** NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin:  Yes  No

At Development:  Yes  No

Approximate Distance to Nearest Sewer: On site

Estimated Waste Generation (in G.P.D.): A D F= +0 Peak= +0

Treatment Plant: Northwest

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

Projected Plant Availability:  0 - 5 years  5 - 10 years  over 10 years

Drv Sewers Required:  Yes  No

Off-site Easements Required:  Yes\*  No \*If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required:  Yes  No

Letter of Allocation issued:  Yes  No

Septic Tank Recommended by this Department:  Yes  No

Subject to Health Department Approval:  Yes  No

Additional Comments: 630 Kenn Due West is currently served by sewer. No additional development proposed

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

**APPLICANT: Jack Cooper Holdings Corp.**

**PETITION NO.: Z-79**

**PRESENT ZONING: R-30**

**PETITION FOR: LRO**

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<b>STORMWATER MANAGEMENT COMMENTS</b>
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No improvements are proposed to the subject property. Approval subject to dam and lake to be maintained by new commercial owner and access easement to be granted across dam for adjacent property owner.

**APPLICANT: Jack Cooper Holdings Corp**

**PETITION NO.: Z-79**

**PRESENT ZONING: R-30**

**PETITION FOR: LRO**

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**TRANSPORTATION COMMENTS**

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Kennesaw Due West Road	13,100	Arterial	45 mph	Cobb County	100'

*Based on 2011 traffic counting data taken by Cobb County DOT (Kennesaw Due West Road)*

**COMMENTS AND OBSERVATIONS**

Kennesaw Due West Road is classified as a major collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

**RECOMMENDATIONS**

Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the south side of Kennesaw Due West Road, a minimum of 50' from the roadway centerline.

Recommend curb, gutter, and sidewalk along the Kennesaw Due West Road frontage.

Recommend an Access Easement once the properties are subdivided.

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

## STAFF RECOMMENDATIONS

### **Z-79 JACK COOPER HOLDINGS CORP.**

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties only if the minimum amount of property is rezoned to address the encroachment. The applicant is only seeking to bring the property into compliance with the County Code due to 10 foot encroachment onto the property. The applicant does not have any plans, at this time, for development of this property. Other properties in the area are zoned and developed for single family residential, churches and offices.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The request will allow continuation of current operations while bringing the property into compliance with the current County Code. No expansion of the use is requested.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Low Density Residential (LDR) land use category. However, the property abuts the Neighborhood Activity Center (NAC).
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal but only for a small portion of the property. The request is simply to allow continuation of existing operations.

Based on the above analysis, Staff recommends **APPROVAL** subject to the following conditions:

- Rezoning approval is only for a 20 foot strip of property along the west property line with the balance of the property deleted to R-30;
- Fire Department comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Department of Transportation comments and recommendations; and
- Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

**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.**

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Application #: 779  
PC Hearing Date: 11-4-14  
BOC Hearing Date: 11-18-14

## Summary of Intent for Rezoning

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**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): \_\_\_\_\_
- b) Proposed building architecture: N/A
- c) Proposed hours/days of operation: N/A
- d) List all requested variances: N/A

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

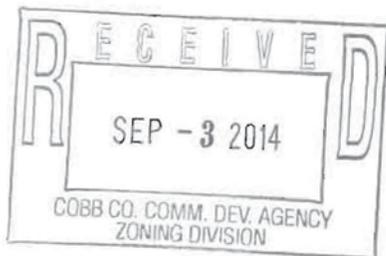
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**Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?**  
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). No

.....  
**Part 5. Is this application a result of a Code Enforcement action? No  ; Yes \_\_\_\_\_** (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature:  Date: 8/29/2014

Applicant name (printed): T. Michael Riggs

**ATTACHMENT TO APPLICATION FOR REZONING**  
**IMPACT ANALYSIS STATEMENT**



**Application No.:** Z - 79 (2014)  
**Hearing Dates:** November 4, 2014  
November 18, 2014

**Applicant:** Jack Cooper Holdings Corp.  
**Titleholder:** Jack Cooper Holdings Corp.

Analysis of impact of the proposed rezoning with respect to the following:

- (a) This Application for Rezoning is for a 1.46 acre area just East of the Due West Road and Kennesaw Due West Road intersection, Land Lot 275, 20<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia. Applicant has no plans for future construction and only applies for rezoning to correct an existing encroachment.
- (b) This zoning proposal should have no adverse effect on the existing use or usability of adjacent or nearby residential property. If approved according to the request, the adjacent and nearby commercial property owners should benefit in higher land values.
- (c) The Subject Property as presently zoned does not have a reasonable economic use. The proposed zoning will allow for a higher and better use of the Subject Property.
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Commercial development has almost no effect on schools, no effect on utilities and transportation facilities.
- (e) The zoning proposal is in conformity with the Land Use Map of Cobb County, Georgia.