



Case# LUP-4
Public Hearing Dates:
PC: 05-01-18
BOC: 05-15-18

Cobb County Community Development Agency
Zoning Division
1150 Powder Springs St. Marietta, Georgia 30064

SITE BACKGROUND

Applicant: Maria Claudia Ortega

Phone: 404-310-8077

Email: mco63@hotmail.com

Representative Contact: Maria Claudia Ortega

Phone: 404-310-8077

Email: mco63@hotmail.com

Titleholder: Maria Claudia Ortega

Property Location: On the east side of Allgood Road

Address: 1096 Allgood Road

Access to Property: Allgood Road

QUICK FACTS

Commission District: 3

Current Zoning: R-20 (Single-family Residential)

Current use of property: Single-family House

Proposed use: Daycare (Renewal)

Future Land Use Designation: Public Institutional (PI)

Site Acreage: 2.3 acres

District: 16

Land Lot: 949

Parcel #: 16094900280

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION: (Zoning staff member: Tannessa Bates)

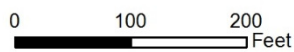
Based on the analysis and the Code, Staff recommends **APPROVAL** of the application for 24 months subject to:

1. Maximum of 20 children;
2. Maximum of 3 employees;
3. No signs; and
4. No parking in the right of way.

LUP-4 2018-Aerial Map



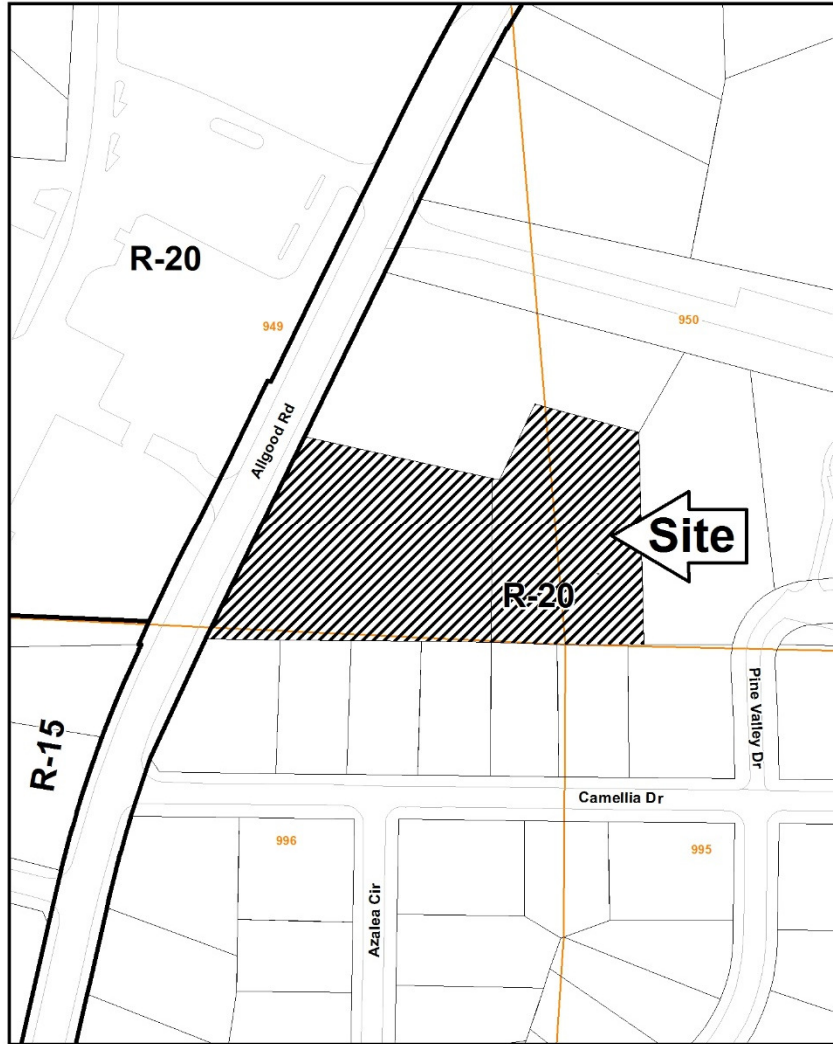
This map is provided for display and planning purposes only. It is not meant to be a legal description.



- Land Lot
- City Boundary

North
Zoning: R-20 Single-family Residential
Future Land Use: PI (Public Institutional)

LUP-4 2018-GIS



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

0 100 200 Feet

Land Lot
City Boundary

WEST
Zoning: R-20 Single-family Residential)
Future Land Use: PI (Public Institutional)

EAST
Zoning: R-20 (Single-family Residential)
Future Land Use: PI (Public Institutional)

SOUTH
Zoning: R-20 Single-family Residential
Future Land Use: MDR (Medium Density Residential)

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The R-20 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the R-20 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

Request for a Temporary Land Use Permit

The Board of Commissioners may permit temporary land use permits for uses that are uniquely located and are considered compatible with adjoining zoning districts and nearby uses for designated periods of time for uses, exceptions or professions in areas, along roadways and within districts where the zoning regulations would otherwise prohibit such operations. Customary home occupations as defined in this chapter, do not require a temporary land use permit.

Summary of the applicant's proposal

The applicant is requesting a renewal of a Temporary Land Use Permit for the purpose of operating a family child care facility for 24 months. The hours of operation are Monday through Friday from 6 a.m. until 6 p.m. The applicant has indicated that there are three employees. The applicant also indicated that there will be 18 clients coming to the house daily. The clients have a designated drop-off/pick-up area. The applicant is not requesting a sign for the family child care facility. The applicant indicates there will be no deliveries and no outdoor storage. The applicant states she does live at the house.

DEPARTMENT COMMENTS- Fire Department

C/O: Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

No comment.

DEPARTMENT COMMENTS- Cemetery Preservation

No comment.

DEPARTMENT COMMENTS- School System

No comment.

DEPARTMENT COMMENTS- Water and Sewer

Marietta Service Area.

DEPARTMENT COMMENTS- Stormwater Management

No comment.

DEPARTMENT COMMENTS- Transportation

Recommendations

1. Recommend no parking on the right-of-way.
2. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

DEPARTMENT COMMENTS- Planning Division

No comment.

STAFF ANALYSIS

There are twelve criteria that must be considered for a Temporary Land Use Permit. The criteria are below in bold, with the staff analysis following:

(1) Safety, health, welfare and moral concerns involving the surrounding neighborhood.

This request should not affect the safety, health, or welfare of the surrounding properties. The Applicant has a petition of consent from several of the surrounding property owners.

(2) Parking and traffic considerations.

The clients will be parked in the designated drop-off/pick-up area in the driveway.

(3) Number of nonrelated employees.

The applicant has indicated there are three employees.

(4) Number of commercial and business deliveries.

There will be no commercial deliveries associated with this request.

(5) The general presumption of the board of commissioners that residential neighborhoods should not allow noncompatible business uses.

The use is located within an area having single-family, residential homes, and churches. There have not been any complaints regarding the applicant's use.

(6) Compatibility of the business use to the neighborhood.

There are no known businesses surrounding the property.

(7) Hours of operation.

The family child care facility hours of operation are Monday through Friday, 6 a.m. to 6 p.m.

(8) Existing business uses in the vicinity.

There are churches and a business park nearby.

(9) Effect on property values of surrounding property.

N/A

(10) Circumstances surrounding neighborhood complaints

There have been no known complaints from the surrounding neighbors. The request is to renew the Temporary Land Use Permit already granted in previous hearings.

STAFF ANALYSIS (Continued)

(11) Intensity of the proposed business use.

The applicant is requesting to increase the number of children approved from 10 to 20. The applicant is also requesting an increase in the number of employees from one employee to three employees. The code allows a maximum of six (6) children.

(12) Location of the use within the neighborhood.

The proposed use is not located in a platted subdivision and is on a main thoroughfare.

The staff analysis and recommendation 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-4
PC Hearing Date: 5-18
BOC Hearing Date: 5-15-18

TEMPORARY LAND USE PERMIT WORKSHEET
(FOR BUSINESS USE OR FOR A USE NOT PERMITTED)

1. Type of business, or request? Family child care home
2. Number of employees? 3
3. Days of operation? Monday^{to} Friday
4. Hours of operation? 6am - 6pm
5. Number of clients, customers, or sales persons coming to the house per day? 18 ; Per week? _____
6. Where do clients, customers and/or employees park?
Driveway: ; Street: _____ ; Other (Explain): _____

7. Signs? No: ; Yes: _____. (If yes, then how many, size, and location): _____
8. Number of vehicles related to this request? (Please also state type of vehicle, i.e. dump truck, bobcat, trailer, etc.): _____

9. Deliveries? No ; Yes _____ (If yes, then how many per day or week, and is the delivery via semi-truck, USPS, Fedex, UPS, etc.)

10. Does the applicant live in the house? Yes ; No _____
11. Any outdoor storage? No ; Yes _____ (If yes, please state what is kept outside): _____

12. Length of time requested (24 months maximum): 24 months
13. 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).
14. Any additional information? (Please attach additional information if needed): _____

Applicant signature: Maria Claudia Ortega Date: 01-31-18

Applicant name (printed): Maria Claudia Ortega

Planning Commission Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

_____	_____
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Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____

Board of Commissioners Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

_____	_____
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