



Cobb County Community Development Agency  
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-64  
Public Hearing Dates:  
PC: 11-06-18  
BOC: 11-20-18

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**SITE BACKGROUND**

Applicant: Northside Hospital, Inc. by  
Dentons US LLP

Phone: (404) 527-4676

Email: sharon.gay@dentons.com

Representative Contact: Sharon A. Gay

Phone: (404) 527-4676

Email: sharon.gay@dentons.com

Titleholder: Cooper Lake-Daniel, LLC

Property Location: North and east sides of Daniel  
Street, and on the west side of Cooper Lake Road

Address: 2235 Cooper Lake Road and 2001  
Daniel Street

Access to Property: Daniel Street and Cooper  
Lake Road

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**QUICK FACTS**

Commission District: 2-Ott

Current Zoning: O&I (Office & Institutional) and  
R-20 (Single-family Residential)

Current use of property: Single-family houses and  
undeveloped acreage

Proposed zoning: O&I (Office & Institutional)

Proposed use: Medical Offices/Clinic

Future Land Use Designation: MDR (Medium  
Density Residential)

Site Acreage: 4.22 ac

District: 17

Land Lot: 695

Parcel #: 17069500100 and 17069500120

Taxes Paid: Yes

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FINAL ZONING STAFF RECOMMENDATION:  
(Zoning staff member: Terry Martin, MPA)

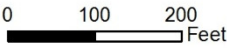
Based on the included analysis, staff recommends **DENIAL**:





# Z-64 2018-Aerial Map



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

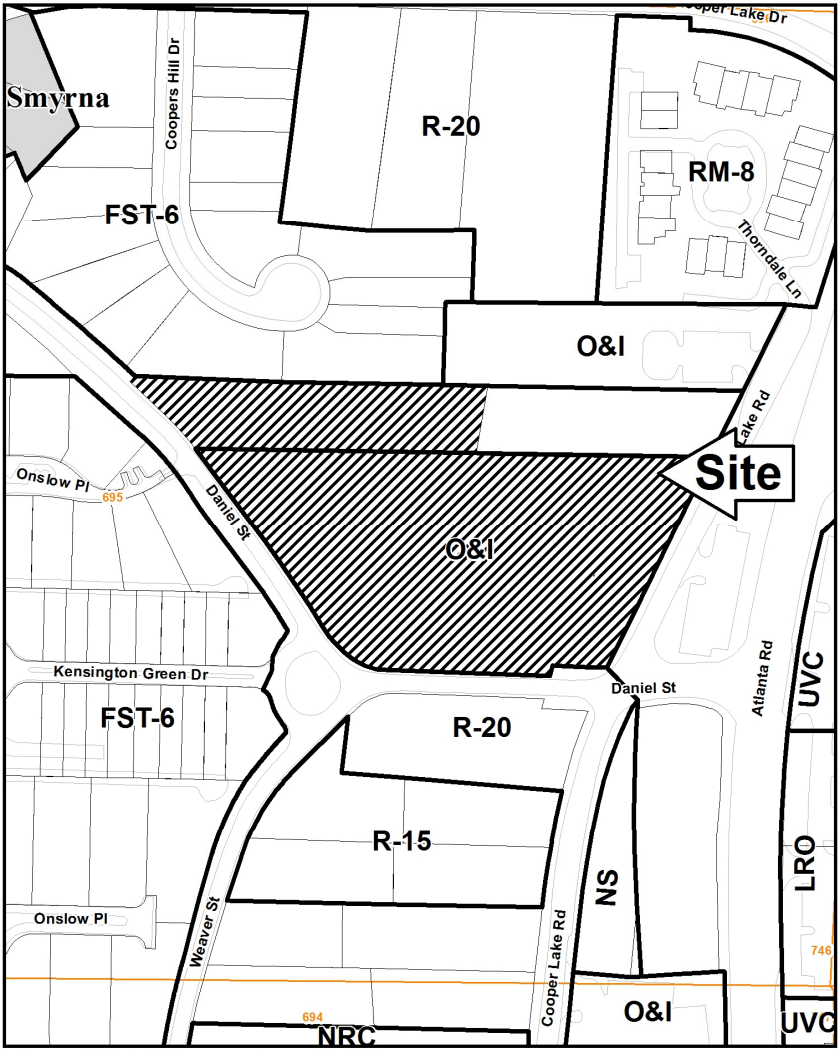


-  Zoning Boundary
-  City Boundary

North

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

**Z-64 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

Zoning Boundary  
 City Boundary

WEST

**Zoning:** FST-6  
 (Fee Simple Townhouse Residential)

**Future Land Use:** MDR  
 (Medium Density Residential)

EAST

**Zoning:** County ROW/ Oakdale Park

**Future Land Use:** County ROW/ Oakdale Park

SOUTH

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

## **DEPARTMENT COMMENTS- Zoning Division**

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### **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.

The O&I district is established to provide locations for nonretail commercial uses such as offices and financial institutions, which are on properties delineated within or on the edge of a community activity center and a regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. The office and institutional district is designed primarily to provide for four-story and smaller office developments, office uses, motels, hotels, banking and professional offices that complement and provide step-down nodal zoning away from more intensive commercial uses and otherwise to implement the stated purpose of this chapter.

### **Requested zoning district for the property**

The O&I district is established to provide locations for nonretail commercial uses such as offices and financial institutions, which are on properties delineated within or on the edge of a community activity center and a regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. The office and institutional district is designed primarily to provide for four-story and smaller office developments, office uses, motels, hotels, banking and professional offices that complement and provide step-down nodal zoning away from more intensive commercial uses and otherwise to implement the stated purpose of this chapter.

### **Summary of the applicant's proposal**

The applicant is requesting a rezoning from the existing R-20 (Single-family Residential District) and O&I (Office & Institutional District) to the O&I (Office & Institutional District) in order to develop a two-story, 40,000 square foot medical office/clinic and associated parking. The current O&I zoning is the result of several past cases that have their own restrictions and stipulations.

## **DEPARTMENT COMMENTS- Zoning Division (continued)**

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### **Non-residential criteria**

Proposed # of buildings: 1

Proposed # of stories: 2

Total sq. footage of development: 40,000 square feet

Floor area ratio: 0.23

Square footage per acre: 9,479 square feet

Required parking spaces: 140

Proposed parking spaces: 200

Acres in floodplain or wetlands: 0

Impervious surface shown: Less than maximum set by Code

### **Are there any zoning variances?**

No.

## **DEPARTMENT COMMENTS- Fire Department**

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No comment.

## **DEPARTMENT COMMENTS- Site Plan Review (County Arborist)**

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The two trees labeled as specimen trees on the site plan must be evaluated by an ISA Certified Arborist to determine if they meet the specimen tree criteria as per the Cobb County Tree Ordinance. In order to receive Tree Ordinance density credit, there can be no disturbance within the critical rootzone of the trees. If they are determined to be specimen trees, then any disturbance (cut, fill, trenching, sidewalk construction, etc.) within the critical rootzone of either tree will require mitigation as per the Cobb County Tree Ordinance.

## **DEPARTMENT COMMENTS- Cemetery Preservation**

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No comment.

## **DEPARTMENT COMMENTS- School System**

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Approval of this petition will not have an impact on the enrollment.

## **DEPARTMENT COMMENTS- Stormwater Management**

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1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Tributary to Laurel Creek
4. Wetlands: No
5. Streambank buffer zone: No
6. Potential or known drainage problems exist downstream from this site.
7. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage systems.
8. Minimize the effect of concentrated stormwater discharges onto adjacent properties.
9. Developer must secure drainage easement(s) to receive concentrated discharges where none naturally exist.
10. Stormwater discharges through an established residential neighborhood downstream.
11. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
12. Special site conditions and/or additional comments:
  - This site is located at the northwest corner of Daniel Street and Cooper Lake Road. The site is predominately wooded with average slopes ranging from 5 to 15%. The majority of the site (~2/3) drains to the west into the Daniel Street right-of-way. The remainder of the site drains to the east towards Atlanta Road.
  - While it appears that adequate site area has been reserved or is available to provide adequate stormwater management volume for the site, downstream conveyance is an issue particularly to the west. There is no current stormwater infrastructure along Daniel Street to accommodate the proposed concentrated site discharges. It is anticipated that storm sewer will need to be installed down the current right-of-way to the receiving stream located approximately 230 feet to the west.

## DEPARTMENT COMMENTS- Planning Division

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**Cobb 2040 Comprehensive Plan:** The parcel is within the Medium Density Residential (MDR) future land use category. The purpose of the MDR category is to provide for areas that are suitable for moderate density housing between two and one-half (2.5) and five (5) dwelling units per acre.

Comprehensive Plan Designation:  Consistent  Inconsistent

### House Bill 489 Intergovernmental Agreement Zoning Amendment Notification

Is the proposal within one-half mile of a city boundary?  Yes  No

Smyrna

Was the city notified?  Yes  No  N/A

**Specific Area Policy Guidelines:**  Yes  No

**Masterplan/ Corridor Study**  Yes  No

**Design guidelines area?**  Yes  No

Does the proposal plan comply with the design requirements?  Yes  No  N/A

**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 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 investment)*

**Is the property eligible for the Façade Improvement Program?**  Yes  No

*(The Façade Improvement Program is an incentive for owners and tenants to enhance the appearance of buildings. The CDBG program provides the funding. Properties must be either on the current inventory of redevelopment sites or in a corridor study area, and be in a census tract with at least 51% low and moderate income. The program serves to improve the economic viability of these areas.)*

(Planning comments continued on the next page)



**DEPARTMENT COMMENTS- Planning Division** (continued)

**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)*

**Note: For more information on incentives, please call the Community Development Agency- Economic Development Division at 770-528-2018 or find information online at [www.cobbcounty.org/econdev](http://www.cobbcounty.org/econdev).**

**Special District**

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

Is this property within the Six Flags Special Service District?

Yes  No

**Dobbins Air Reserve Base Zones**

Is the property within the Dobbins Airfield Safety Zone?

Yes  No

Is the property within the Clear Zone (CZ)?

Yes  No

Is the property within the Accident Potential Zone (APZ I)?

Yes  No

Is the property within the Accident Potential Zone II (APZ II)?

Yes  No

Is the property within the Noise Zone?

Yes  No

Is the property within the Bird/Wildlife Air Strike Hazard Area (BASH)?

Yes  No

**Historic Preservation**

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application.

## DEPARTMENT COMMENTS- Water and Sewer

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### Water comments:

Available at development:  YES  NO

Fire flow test required:  YES  NO

Size and location of existing water main(s): 6" in Cooper Lake Road

Additional water comments:

Note: These comments only reflect what facilities were in existence at the time of this review. Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be addressed in the Plan Review process.

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### Sewer comments:

In the drainage basin:  YES  NO

At development:  YES  NO

Approximate distance to nearest sewer: On site in easement, along eastern property line

Estimated waste generation (in G.P.D.): Average daily flow = 1,600 GPD

Peak flow = 4,000 GPD

Treatment plant: R.L. Sutton WRF

Plant capacity:  Yes  NO

Line capacity:  YES  NO

Projected plant availability:  0-5 years  5-10 years  over 10 years

Dry sewers required:  YES  NO

Off-site easement required:  YES\*  NO

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 sewer comments: Sewer also in Daniel Street (to South Cobb WRF)

\*If off-site easements are required, the developer/owner must submit easements to the CCWS for review and 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/owner.

Note: The developer/owner will be responsible for connecting to the existing county water and sewer systems, installing and/or upgrading all outfalls & water mains, obtaining onsite and/or offsite easements, and dedication of onsite and/or offsite water and sewer to Cobb County as may be required. Rezoning does not guarantee water/sewer availability or capacity unless so stated in writing by the Cobb County Water System.

**DEPARTMENT COMMENTS- Transportation**

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Cooper Lake Road	Local	35	Cobb County	50'
Daniel Street	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Cooper Lake Road	N/A	N/A	N/A
Daniel Street	N/A	N/A	N/A

**Comments and observations**

Cooper Lake Road is classified as a local roadway and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Daniel Street is classified as a local roadway and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

The intersection of Daniel Street at Atlanta Road has previously met volume thresholds for signalization. However, this intersection has not been signalized because of its proximity to Daniel Street at Cooper Lake Road. Any proposed traffic control and geometric changes need to be presented to Cobb County DOT in sufficient time and detail for review of impacts at this intersection.

**Recommendations**

1. 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 west side of Cooper Lake Road, a minimum of 25' from the roadway centerline.
2. 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 north and east side of Daniel Street, a minimum of 30' from the roadway centerline.
3. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
4. Recommend sidewalk, curb, and gutter along the frontage of Cooper Lake Road and Daniel Street.

STAFF ANALYSIS

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Per section 134-122 of the Official Code of Cobb County, below is a written zoning analysis relating to the following (question in bold; the answer is not bold):

**A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;**

The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. Other uses in the area include commercial, office, and residential uses.

**B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;**

The zoning proposal will not adversely affect the existing use or usability of the adjacent or nearby properties. The office zoning would serve as an appropriate step down between those residential properties to the north and west and the more commercial/office oriented Atlanta Road corridor to the east.

**C. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;**

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. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive plan;**

The property lies within an area delineated as MDR (Medium Density Residential) future land use category. Per the Comprehensive Plan, this category can serve as a transitional category between more intensive uses and less intensive uses.

STAFF ANALYSIS

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**E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;**

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 denying the applicant's rezoning proposal. The applicant's proposal is not consistent with the Cobb County Comprehensive Plan. The area has been transitioning to residential.

**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.**

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ZONING DIVISION

**STATEMENT OF INTENT, PROJECT SUMMARY  
AND  
DOCUMENTED IMPACT ANALYSIS**

and other materials required by the  
Cobb County Zoning Ordinance

for

**APPLICATION TO REZONE PROPERTY**

**FROM O&I and R-20 TO O&I**

for

± 4.22 acres of land  
known as

**2235 Cooper Lake Road and 2001 Daniel Street**

Land Lot 695, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia

Submitted on behalf of

**NORTHSIDE HOSPITAL, INC.**

by

Dentons US LLP

Sharon A. Gay, Esq.  
Dan Baskerville  
303 Peachtree Street, N.E.  
Suite 5300  
Atlanta, Georgia 30308  
404.527.4676  
[sharon.gay@dentons.com](mailto:sharon.gay@dentons.com)

**INTRODUCTION**

This Application is submitted for a 4.22-acre parcel of land located in Land Lot 695 of the 17<sup>th</sup> District, 2<sup>nd</sup> Section of Cobb County and known as 2235 Cooper Lake Road and 2001 Daniel Street (the "Property"). The Property is shown on the survey prepared by Long Engineering dated May 14, 2018 and filed with this Application. The Property is located in Commission District 2.

Most of the Property is currently zoned O&I (Office-Institutional) with a 1985 condition requiring final Board of Commissioners approval for "plans for the corner parcel."<sup>1</sup> A small parcel at the rear of the site is zoned R-20. The Applicant, Northside Hospital, Inc. by Dentons US LLP ("Northside"), now seeks approval to rezone the entire Property to O&I conditioned on a new site plan and other stipulations as required by the Board of Commissioners to permit development of a two-story, 40,000 sq. ft. medical office/clinic building.

This document is submitted as the Project Summary, Statement of Intent, and Documented Impact Analysis required by the Cobb County Zoning Ordinance.

**DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA**

The Property is an irregularly-shaped assemblage fronting on the north side of Daniel Street and the west side of Cooper Lake Road approximately 100 ft. south of the intersection with Atlanta Road. The Property is largely undeveloped except for three small residential structures and accessory buildings. Atlanta Road is located to the east. A public parking lot and Oakdale Park lie between Cooper Lake Road and Atlanta Road across from the Property. A day care center and residences are located north of the Property. Single family residences and townhomes are located on the south side of Daniel Street.

Most of the area located between Cooper Lake Road and Atlanta Road is zoned O&I and is occupied by St. Benedict's Episcopal Church and School. The park is zoned NS, and the parcel adjacent to Cumberland Parkway is zoned GC and improved with a commercial building housing a financial services business. Properties to the north are zoned O&I, R-20, RM-8, and FST-6. The residential properties south of Daniel Street are zoned R-20, FST-6, and R-15. Cumberland Parkway is located 1/4 mi. south of the Property and connects to I-285.

**PROJECT SUMMARY**

Northside proposes to develop the Property with a two-story, 40,000 sq. ft. medical office/clinic building, parking, and landscaping. As shown on the conceptual site plan prepared by Long Engineering dated July 25, 2018 and filed with this application (the "Site Plan"), the development is proposed to include new curb and gutter, sidewalks, and an eight-foot landscape strip along the street frontages. All required setbacks and landscape buffers, including a 20 ft. rear

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<sup>1</sup> The Zoning Code and Zoning Map adopted in December 1990 arguably superseded this ambiguous condition; however, in an abundance of caution the entire Property is included in this application for rezoning in order to remove that condition.

landscape buffer adjacent to R-20 zoning, will be provided. Storm water management facilities will be designed and installed in accordance with County requirements.

The building facades will be primarily brick veneer with aluminum and glass accents. The scale, height, and materials are intended to be compatible with nearby properties. Two entrances are proposed, one on Daniel Street and one on Cooper Lake Road. Additionally, Northside proposes to dedicate land to the County sufficient to provide right of way extending 25 ft. from the centerline of Daniel Street.

The purpose of this development is to provide Cobb County residents with additional options for quality health care services closer to their neighborhoods.

### **DOCUMENTED IMPACT ANALYSIS**

The Applicant provides the following information in response to the required analysis:

(1) Suitability of proposed use in view of the use and development of adjacent and nearby property: This Property lies in an area of transition from the higher intensity commercial uses along Atlanta Road to the residential areas to the west. Developing the Property for a low-rise medical office/clinic building will provide a use compatible with Oakdale Park and other institutional uses -- church and private school -- on the opposite side of Cooper Lake Road. Both the use and scale of the proposed development will create an appropriate transition from Atlanta Road and the other institutional uses to residential uses south of Daniel Street. Moreover, the medical building can provide a buffer between Atlanta Road and nearby homes.

(2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent and nearby property: The current unsettled state of the Property with deteriorating and outdated residential structures detracts from the newer, high-quality residential developments on the opposite side of Daniel Street. This development will include sidewalks, curb and gutter, landscaping, and proper storm water management, all of which will benefit nearby properties. Landscape buffers will be provided, and parking lot lighting will be designed and installed to direct the light away from adjacent properties. As shown on the Site Plan, the building will be positioned close to the Cooper Lake Road frontage and away from residential areas north and west of the site. The proposed two-story height is comparable to the height of nearby structures and is two stories below the maximum height allowed in the O&I district.

(3) Whether the Property has a reasonable economic use as zoned: The reasonable economic use of the Property is institutional, which is the classification to which most of the acreage is zoned. The portion of the Property that is zoned R-20 does not have a reasonable economic use as zoned because the parcel is too long and narrow to be efficiently developed for residential purposes. The Property has been offered for sale for a number of years but has not been sold for residential development, which strongly suggests that the market does not consider residential use as viable.

(4) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools: Unlike a residential development, the medical office/clinic will have no effect on the school system. Northside proposes improvements to the street and sidewalk infrastructure. In addition, Northside has engaged a traffic consultant to conduct a traffic impact analysis and will work with County staff



to implement any recommended improvements. Storm water management on the site will be upgraded to modern standards. Northside is not aware of any deficiencies in public or private utilities serving the Property.

(5) Whether the zoning proposal is in conformity with the policy and intent of the land use plan: The Property, including the portion zoned O&I, is designated as “Medium Density Residential” on the Future Land Use Map, which is not compatible with the O&I classification. However, the Comprehensive Plan states that this land use category “can serve as a transitional category between more intensive uses and less intensive uses,” which is exactly what the proposed development would do. Note also that the portion of the Property currently zoned R-20 will include only parking and landscaping, which will serve as a buffer between the medical building and the residences north of the site.

(6) Whether there are other existing or changing conditions affecting the use and development of the Property, which give supporting grounds for either approval or disapproval of the zoning proposal: Given the close physical proximity of the Property to busy Atlanta Road, it is unlikely to be developed for residential use, especially considering the established commercial uses directly across Atlanta Road from the Property.

### CONSTITUTIONAL OBJECTIONS

The Applicant respectfully submits that the Zoning Ordinance of Cobb County, Georgia, as amended from time to time and known as the “Cobb County Zoning Ordinance,” to the extent that it classifies the Property in any zoning district that would preclude development of a medical office/clinic, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Property pursuant to the Cobb County Zoning Ordinance deprives the Applicant and Property owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and that requested herein, would deprive the Applicant and Property owner of any reasonable use and development of the Property. Further, any attempt by the Board of Commissioners to impose greater restrictions upon the manner in which the Property will be developed than presently exist would be equally unlawful.

Accordingly, Applicant submits that the current zoning classifications and any other zoning of the Property save for what has been requested as established in the Cobb County Zoning Ordinance constitute an arbitrary and unreasonable use of the zoning and police powers because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant and Property owner. All inconsistent zoning classifications between the existing zoning and the zoning requested hereunder would constitute an arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality or general welfare of the public and would substantially harm the Applicant and Property owner. Further, the existing inconsistent zoning classification constitutes, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this Project, would constitute a taking of the owner’s private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and

Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that failure to approve the requested zoning change would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and Property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

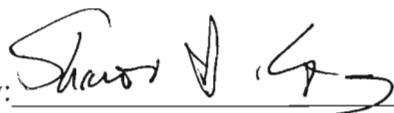
Finally, the Applicant respectfully submits that the Board of Commissioners cannot lawfully impose more restrictive standards upon the development of the Property than presently exist, as to do so not only would constitute a taking of the Property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

This Application meets favorably the prescribed 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).

**CONCLUSION**

For the foregoing reasons, the Applicant respectfully requests that this Application for Rezoning from O&I and R-20 to O&I be approved.

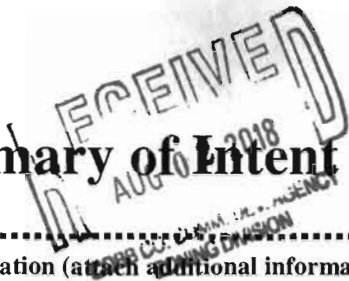
Submitted this 2nd day of August, 2018.

By:   
Sharon A. Gay  
Dentons US LLP

Application No. Z-64

Nov. 2018

# Summary of Intent for Rezoning



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

- a) Proposed unit square-footage(s): \_\_\_\_\_
- b) Proposed building architecture: \_\_\_\_\_
- c) List all requested variances: \_\_\_\_\_

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

- a) Proposed use(s): Medical Office/Clinic
- b) Proposed building architecture: Primarily brick veneer with aluminum and glass accents.
- c) Proposed hours/days of operation: To be determined.
- d) List all requested variances: None

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

See Letter 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). No

Z-64 (2018)  
Building with  
Mature  
Landscaping

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COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION



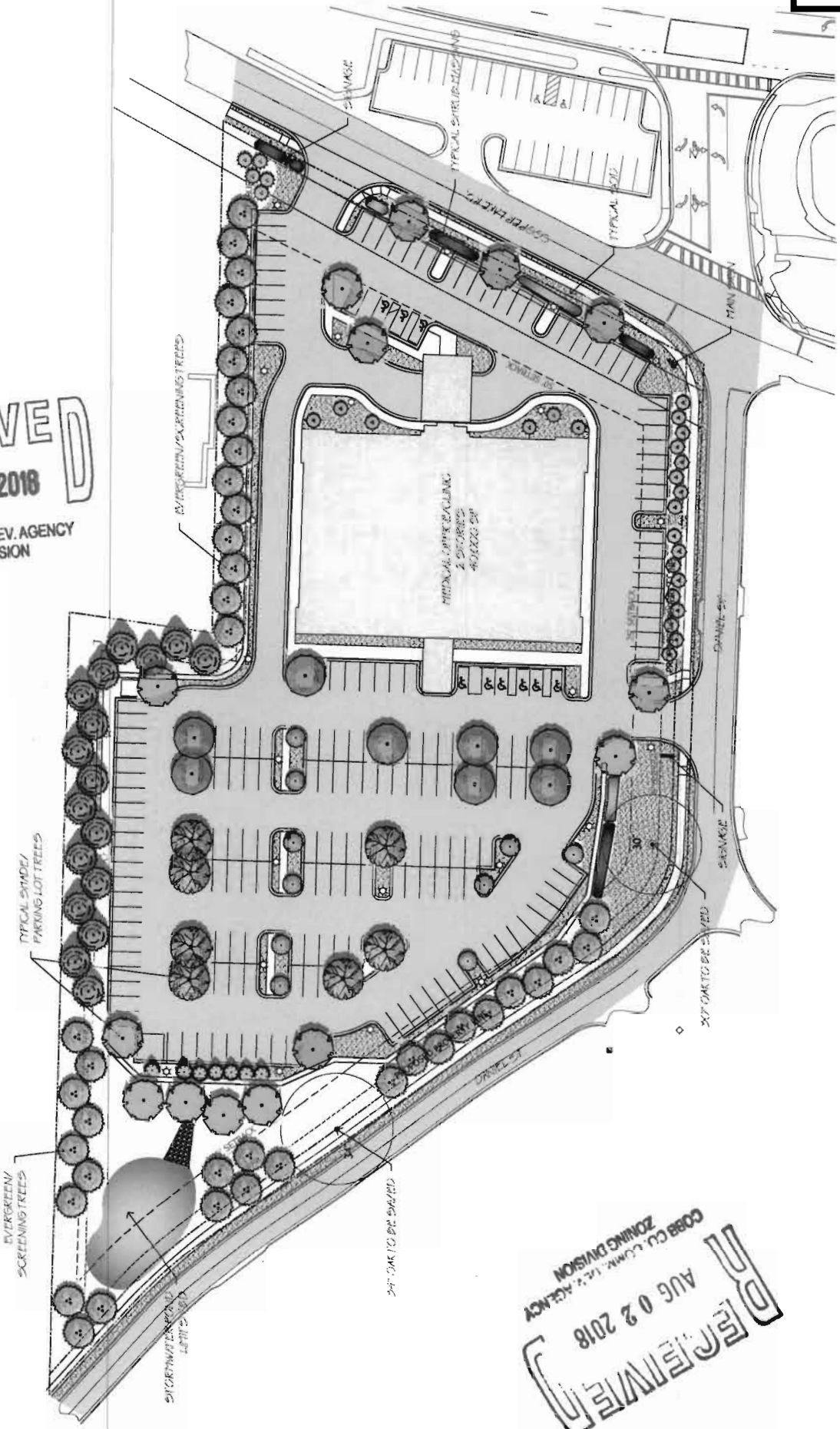
COOPER LAKE SITE STUDY

MATURE LANDSCAPE  
18 JUNE, 2018

NOTE: PLANTINGS SHOWN ARE FOR CONCEPTUAL PURPOSES ONLY



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COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION



**RECEIVED**  
AUG 02 2018  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

SCALE: 1"=20' 1/2"

Presented by  
**STARS**  
Professional Landscaping & Site Planning

COOPER LAKE SITE STUDY

CONCEPTUAL LANDSCAPE SITE PLAN

20 JULY 2018

NOTE: PLANTINGS SHOWN ARE FOR CONCEPTUAL PURPOSES ONLY.

Presented by  
**STARS**  
Professional Landscaping & Site Planning

**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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Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
 Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
 Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_