
ZONING ANALYSIS

Planning Commission Public Hearing

February 5, 2008

Board of Commissioners' Public Hearing

February 19, 2008

Prepared by:
COBB COUNTY
PLANNING AND ZONING DIVISIONS

COBB COUNTY BOARD OF COMMISSIONERS

**Sam Olens, Chairman
Helen Goreham, District 1
Joe Thompson, District 2
Tim Lee, District 3
Annette Kesting, District 4**

COUNTY MANAGER

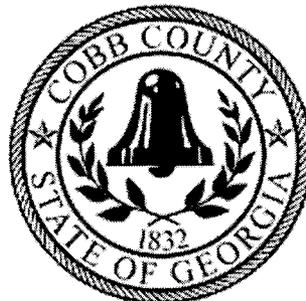
David Hankerson

COBB COUNTY PLANNING COMMISSION

**Murray Homan, Chairman
Bob Hovey
Bob Ott
Christi Trombetti
Judy Williams**

***COBB COUNTY ZONING DIVISION
COMMUNITY DEVELOPMENT DEPARTMENT***

**Robert Hosack, Director, Community Development
Mark A. Danneman, Manager, Zoning Division**

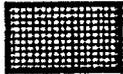
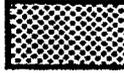
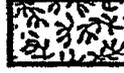
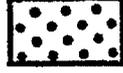
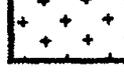
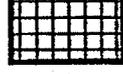
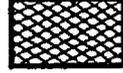
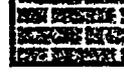
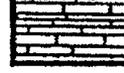
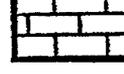
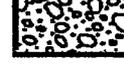
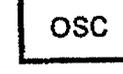
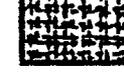
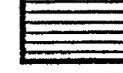
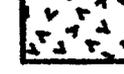


Cobb County... Expect the Best!

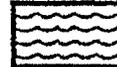
Every application for rezoning involving a request for a non-residential zoning district shall include a complete written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters:

- (a) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
- (b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent property or nearby property;
- (c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; and
- (d) 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.
- (e) Whether the zoning proposal is in conformity with the policy and intent of the land use plan; and
- (f) 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.

ZONING LEGEND

	R-80	Single Family Residential		NRC	Neighborhood Retail Commercial
	RR	Rural Residential		CRC	Community Retail Commercial
	R-40	Single Family Residential		RRC	Regional Retail Commercial
	R-30	Single Family Residential		UVC	Urban Village Commercial
	R-20	Single Family Residential		LRC	Limited Retail Commercial
	R-15	Single Family Residential		PVC	Planned Village Community
	RD	Residential Duplex		PSC	Planned Shopping Center
	RA-5	Single Family Attached/ Detached Residential		NS	Neighborhood Shopping
	PRD	Planned Residential Development		GC	General Commercial
	RM-8	Multi Family Residential		IF	Future Industrial
	FST	Fee Simple Townhouse Residential		LI	Light Industrial
	RM-12	Multi Family Residential		HI	Heavy Industrial
	MHP/S	Mobile Home Park / Subdivision		TS	Tourist Services
	MHP	Mobile Home Park		HD	Historical Districts
	OI	Office / Institutional		SC	Suburban Condominium
	OS	Office / Services		UC	Urban Condominium
	LRO	Low Rise Office		RSL	Residential Senior Living
	OMR	Office Mid-Rise		OSC	Open Space Community
	OHR	Office High Rise		CS	Conservation Subdivision
	CF	Future Commercial			

DISCONTINUED ZONING DISTRICTS

	FST-8	Fee Simple Townhouse Residential
	FST-10	Fee Simple Townhouse Residential
	RM-10T	Fee Simple Townhouse Residential
	R-12	Single Family Residential
	RA-4	Single Family Attached / Detached Residential
	RA-6	Single Family Attached / Detached Residential
	RM-16	Multi Family Residential
	RMR	Residential Mid-Rise
	RHR	Residential Hi-Rise
	RDR	Recreational Golf Driving Range

**A
G
E
N
D
A
S**

COBB COUNTY
ZONING HEARING AGENDA
Planning Commission – February 5, 2008

NOTE: *The applicant/property owner(s), prior to hearing date, may withdraw petitions contained in this agenda; therefore, the Planning Commission will not consider those cases.*

CONTINUED CASES

- Z-26^{'07}** **TOWN CENTER ASSOCIATES, LLC** (Due to individual parcels, a complete list of titleholders is available in the Zoning Office) requesting Rezoning from **R-20** and **NS** to **PVC** for the purpose of a Mixed Use Development in Land Lots 501, 502, 507 and 508 of the 16th District. Located at the southeast and southwest intersections of Big Shanty Road and Hidden Forest Court, on the northeasterly and southwesterly sides of Truth Avenue, at the northwesterly and southwesterly intersections of Grace Avenue and Hidden Forest Court and on the north, south, east and west sides of Hidden Forest Court, south of Big Shanty Road. *(Previously continued by Staff from the April 3, 2007, May 1, 2007, June 5, 2007, July 3, 2007, August 7, 2007, September 5, 2007, October 2, 2007, November 6, 2007 and December 4, 2007 Planning Commission hearings)*
- Z-69^{'07}** **CENTURY/AG-VININGS, LLC** (Xebo Corporation, owner) requesting Rezoning from **CRC** to **UC**, **CRC** and **RSL** for the purpose of a Mixed Use Development in Land Lots 816, 817, 839 and 840 of the 17th District. Located at the southeasterly intersection of Cumberland Parkway and Paces Walk (private road). *(Previously continued by Staff from the July 3, 2007, August 7, 2007, September 5, 2007 and October 2, 2007 Planning Commission hearings and previously continued by the Planning Commission from their November 6, 2007 and December 4, 2007 hearings)*
- Z-100^{'07}** **ROBERT ALAN PLOTT AND DONNA D. PLOTT** (owners) requesting Rezoning from **GC** and **R-20** to **GC** for the purpose of Office, Retail and Auto Repair in Land Lot 85 of the 17th District. Located on the northwesterly side of Austell Road, north of Chamberlain Circle. *(Previously continued by the Planning Commission from their November 6, 2007 and December 4, 2007 hearings)*

- Z-107^{'07}** **D & A INVESTMENT GROUP, LLC AND PEREIRA MANAGEMENT, LLC** (owners) requesting Rezoning from **OI** and **NS** to **RRC** for the purpose of Mixed Use Development in Land Lot 885 of the 17th District. Located on the north side of Paces Ferry Road, west of Overlook Parkway and on the south side of Bert Adams Road, south of Mount Wilkinson Parkway. *(Continued by Staff from the December 4, 2007 and February 5, 2008 Planning Commission hearings; therefore will not be considered at this hearing)*
- Z-108^{'07}** **JOHN WIELAND HOMES AND NEIGHBORHOODS, INC.** (Due to individual parcels, a complete list of titleholders is available in the Zoning Office) requesting Rezoning from **R-30** to **R-15 OSC** for the purpose of a Subdivision in Land Lots 820, 821, 835, 836 and 892 of the 17th District. Located at the northwesterly intersection of Woodland Brook Drive and the CSX Railroad tracks, the north and south sides of Heavenly Trail, east of Paradise Shoals Road and on the easterly and westerly sides of Paradise Shoals Road, north of the CSX Railroad tracks. *(Previously continued by Staff from the December 4, 2007 Planning Commission hearing)*
- LUP-17^{'07}** **PATRICIA UBOH** (Lifeline International Ministries, Inc., owner) requesting a **Land Use Permit** for the purpose of a Day Care in Land Lot 1092 of the 19th District. Located on the south side of Thomas Road and the north side of Moore Street, west of Austell Powder Springs Road (3662 Moore Street). *(Previously continued by the Planning Commission from their December 4, 2007 hearing)*

REGULAR CASES --- NEW BUSINESS

Rezoning

- Z-1** **J & J CONSTRUCTION, INC.** (Adriane E. Freeman, owner) requesting Rezoning from **R-20** to **CRC** for the purpose of Retail and Office in Land Lot 588 of the 16th District. Located at the southeasterly intersection of Canton Road and Chesterfield Drive.
- Z-2** **N & N HOLDINGS, LLC** (owner) requesting Rezoning from **GC** to **NRC** for the purpose of Office and Retail in Land Lots 595 and 596 of the 16th District. Located on the north side of Kinjac Drive, northwesterly of Sandy Plains Road.

- Z-3** **SHARON J. DIAZ** (Edwin and Sharon J. Diaz, owners) requesting Rezoning from **PSC** and **R-20** to **LRO** for the purpose of Nursery School and Day Care in Land Lot 768 of the 19th District. Located at the northwest intersection of Hurt Road and Quail Run.
- Z-4** **WEST COBB LAND DEVELOPMENT, LLC** (Indigo Commercial, LLC, owner) requesting Rezoning from **TS** to **CRC** for the purpose of Offices in Land Lot 109 of the 20th District. Located at the northeasterly intersection of U.S. Highway 41 and Mars Hill Road.
- Z-5** **DAVID TASH** (Luz F. Cediél, Alvaro Cediél and Mike Cediél, owners) requesting Rezoning from **RM-12** to **OI** for the purpose of an Office in Land Lot 202 of the 17th District. Located on the south side of Windy Hill Road, west of Olive Springs Road.
- Z-6** **MEHRI SANAYEI** (owner) requesting Rezoning from **R-30** to **R-15** for the purpose of a Subdivision in Land Lot 28 of the 1st District. Located on the northwesterly side of Childers Road at Kettering Drive.
- Z-7** **DANIEL F. WALL** (Daniel F. Wall and Benny C. Durden, owners) requesting Rezoning from **NRC with Stipulations** to **NRC with Stipulations** for the purpose of a Full Service Car Wash in Land Lots 31 and 42 of the 17th District. Located on the east side of Floyd Road, north of Nickajack Road.
- Z-8** **PALLADIAN, INC.** (owner) requesting Rezoning from **R-20** to **RSL** for the purpose of a Senior Residential Community in Land Lot 1054 of the 16th District. Located at the southeast intersection of Robinson Road and Old Canton Road.

Land Use Permits

- LUP-1** **BILLY PAYNE** (owner) requesting a **Land Use Permit** for the purpose of Having More Than One Vehicle Per 390 Square Feet of Dwelling Unit in Land Lot 270 of the 17th District. Located on the north side of Norton Circle, west of Biggern Avenue (460 Norton Circle). **WITHDRAWN BY STAFF**

- LUP-2** **SHIRLEY STREETMAN** (Paul Lamar Streetman, owner) requesting a **Land Use Permit (Renewal)** for the purpose of a Beauty Shop in Land Lot 269 of the 17th District. Located on the northeasterly side of Woodview Drive, southeasterly of Church Road (3195 Woodview Drive).
- LUP-3** **CHARLES SMITH** (owner) requesting a **Land Use Permit (Renewal)** for the purpose of a Fruit Stand in Land Lot 1054 of the 19th District. Located on the northeasterly side of Austell Powder Springs Road, south of McKay Road (4509 Austell Powder Springs Road).
- LUP-4** **BRADLEY MALLET** (Bradley Mallet and Jennifer Mallet, owners) requesting a **Land Use Permit** for the purpose of Tree Service and Parking Tree Service Equipment (Bobcat and Chipper) in Land Lot 418 of the 16th District. Located at the southwest intersection of Windburn Drive and Key Street (1306 Windburn Drive).
- LUP-5** **HENRY WALKER, III** (owner) requesting a **Land Use Permit** for the purpose of Additional Occupancy (Allow More Than Two Unrelated People To Occupy A Dwelling Unit) in Land Lot 97 of the 16th District. Located at the southwesterly intersection of Forest Chase Terrace and Forest Valley Place (2951 Forest Chase Terrace).
- LUP-6** **GARY BINETTE** (Freeport Title & Guaranty, Inc., as Trustee of the 3621 Frey Lake Road Dinsmore Fiduciary Estoppel Trust, owner) requesting a **Land Use Permit** for the purpose of Renting To Students (Allow More Than Two Unrelated People To Occupy A Dwelling Unit) in Land Lot 94 of the 20th District. Located on the westerly side of Frey Lake Road, south of Club Drive (3621 Frey Lake Road).
- LUP-7** **DEREK S. BINETTE** (owner) requesting a **Land Use Permit** for the purpose of Multiple Tenants (Allow More Than Two Unrelated People To Occupy A Dwelling Unit) in Land Lot 94 of the 20th District. Located on the west side of Frey Lake Road, north of Shiloh Trail (3651 Frey Lake Road).

LUP-8 **VISION FOR SOULS** (Vision for Souls Outreach Center Church, Inc., owner) requesting a **Land Use Permit (Renewal)** for the purpose of Child Care to General Public in Land Lots 299 and 300 of the 18th District. Located on the east side of Factory Shoals Road, south of Mableton Parkway (6519 Factory Shoals Road).

HELD CASES

Z-103^{'07} **KO DEVELOPMENT, LLC** (Kareem Okereke, owner) requesting Rezoning from **NS** and **R-20** to **NRC** for the purpose of Retail in Land Lot 37 of the 17th District and Land Lot 39 of the 18th District. Located at the northwest intersection of Mableton Parkway and Woody Valley Road. *(Previously held by the Planning Commission from their December 4, 2007 hearing)*

NOTE: “Pursuant to the Official Code of Cobb County, Zoning – Section 134-124(b) the Cobb County Board of Commissioners is authorized to consider and may consider all constitutionally permissible zoning classification(s), including, but not limited to, intervening classification(s) and/or the classification(s) sought by the applicant.”

COBB COUNTY
ZONING HEARING AGENDA
Board of Commissioners – February 19, 2008

NOTE: Some of these petitions may not be heard by the Board of Commissioners. The Planning Commission may hold or continue some cases at their public hearing, and some cases may be withdrawn by the applicant/owner

CONTINUED CASES

Z-86^{'07} **CORNERSTONE DEVELOPMENT PARTNERS** (Joe R. Perkins, Frank J. Kaplan and Erma M. Kaplan, owners) requesting Rezoning from **PSC** and **GC** to **CRC** for the purpose of Retail in Land Lot 69 of the 1st District. Located on the south side of Lower Roswell Road, west of Johnson Ferry Road and on the west side of Johnson Ferry Road, south of Lower Roswell Road. *(Continued by the Board of Commissioners from their September 18, 2007 hearing and at their October 16, 2007 hearing, the Board of Commissioners continued this case until their March 18, 2008 hearing; therefore will not be considered at this hearing)*

Z-106^{'07} **CANNON MANAGEMENT CORPORATION** (Edward Eugene Hindman and Philip W. and Maureen Engle, owners) requesting Rezoning from **R-20** to **RSL** for the purpose of an Assisted Living Facility in Land Lot 112 of the 16th District. Located on the northwesterly side of Sandy Plains Road, north of Wesley Chapel Road. *(Previously continued by the Board of Commissioners from their December 18, 2007 hearing)*

REGULAR CASES --- NEW BUSINESS

Rezoning

Z-26^{'07} **TOWN CENTER ASSOCIATES, LLC** (Due to individual parcels, a complete list of titleholders is available in the Zoning Office) requesting Rezoning from **R-20** and **NS** to **PVC** for the purpose of a Mixed Use Development in Land Lots 501, 502, 507 and 508 of the 16th District. Located at the southeast and southwest intersections of Big Shanty Road and Hidden Forest Court, on the northeasterly and southwesterly sides of Truth Avenue, at the northwesterly and southwesterly intersections of Grace Avenue and Hidden Forest Court and on the north, south, east and west sides of Hidden Forest Court, south of Big Shanty Road. *(Previously continued by Staff from the April 3, 2007, May 1, 2007, June 5, 2007, July 3, 2007, August 7, 2007, September 5, 2007, October 2, 2007, November 6, 2007 and December 4, 2007 Planning Commission hearings)*

- Z-69^{'07}** **CENTURY/AG-VININGS, LLC** (Xebo Corporation, owner) requesting Rezoning from **CRC** to **UC, CRC** and **RSL** for the purpose of a Mixed Use Development in Land Lots 816, 817, 839 and 840 of the 17th District. Located at the southeasterly intersection of Cumberland Parkway and Paces Walk (private road). *(Previously continued by Staff from the July 3, 2007, August 7, 2007, September 5, 2007 and October 2, 2007 Planning Commission hearings and previously continued by the Planning Commission from their November 6, 2007 and December 4, 2007 hearings)*
- Z-100^{'07}** **ROBERT ALAN PLOTT AND DONNA D. PLOTT** (owners) requesting Rezoning from **GC** and **R-20** to **GC** for the purpose of Office, Retail and Auto Repair in Land Lot 85 of the 17th District. Located on the northwesterly side of Austell Road, north of Chamberlain Circle. *(Previously continued by the Planning Commission from their November 6, 2007 and December 4, 2007 hearings)*
- Z-103^{'07}** **KO DEVELOPMENT, LLC** (Kareem Okereke, owner) requesting Rezoning from **NS** and **R-20** to **NRC** for the purpose of Retail in Land Lot 37 of the 17th District and Land Lot 39 of the 18th District. Located at the northwest intersection of Mableton Parkway and Woody Valley Road. *(Previously held by the Planning Commission from their December 4, 2007 hearing)*
- Z-107^{'07}** **D & A INVESTMENT GROUP, LLC AND PEREIRA MANAGEMENT, LLC** (owners) requesting Rezoning from **OI** and **NS** to **RRC** for the purpose of Mixed Use Development in Land Lot 885 of the 17th District. Located on the north side of Paces Ferry Road, west of Overlook Parkway and on the south side of Bert Adams Road, south of Mount Wilkinson Parkway. *(Continued by Staff from the December 4, 2007 and February 5, 2008 Planning Commission hearings; therefore will not be considered at this hearing)*
- Z-108^{'07}** **JOHN WIELAND HOMES AND NEIGHBORHOODS, INC.** (Due to individual parcels, a complete list of titleholders is available in the Zoning Office) requesting Rezoning from **R-30** to **R-15 OSC** for the purpose of a Subdivision in Land Lots 820, 821, 835, 836 and 892 of the 17th District. Located at the northwesterly intersection of Woodland Brook Drive and the CSX Railroad tracks, the north and south sides of Heavenly Trail, east of Paradise Shoals Road and on the easterly and westerly sides of Paradise Shoals Road, north of the CSX Railroad tracks. *(Previously continued by Staff from the December 4, 2007 Planning Commission hearing)*

- Z-1** **J & J CONSTRUCTION, INC.** (Adriane E. Freeman, owner) requesting Rezoning from **R-20** to **CRC** for the purpose of Retail and Office in Land Lot 588 of the 16th District. Located at the southeasterly intersection of Canton Road and Chesterfield Drive.
- Z-2** **N & N HOLDINGS, LLC** (owner) requesting Rezoning from **GC** to **NRC** for the purpose of Office and Retail in Land Lots 595 and 596 of the 16th District. Located on the north side of Kinjac Drive, northwesterly of Sandy Plains Road.
- Z-3** **SHARON J. DIAZ** (Edwin and Sharon J. Diaz, owners) requesting Rezoning from **PSC** and **R-20** to **LRO** for the purpose of Nursery School and Day Care in Land Lot 768 of the 19th District. Located at the northwest intersection of Hurt Road and Quail Run.
- Z-4** **WEST COBB LAND DEVELOPMENT, LLC** (Indigo Commercial, LLC, owner) requesting Rezoning from **TS** to **CRC** for the purpose of Offices in Land Lot 109 of the 20th District. Located at the northeasterly intersection of U.S. Highway 41 and Mars Hill Road.
- Z-5** **DAVID TASH** (Luz F. Cediél, Alvaro Cediél and Mike Cediél, owners) requesting Rezoning from **RM-12** to **OI** for the purpose of an Office in Land Lot 202 of the 17th District. Located on the south side of Windy Hill Road, west of Olive Springs Road.
- Z-6** **MEHRI SANAYEI** (owner) requesting Rezoning from **R-30** to **R-15** for the purpose of a Subdivision in Land Lot 28 of the 1st District. Located on the northwesterly side of Childers Road at Kettering Drive.
- Z-7** **DANIEL F. WALL** (Daniel F. Wall and Benny C. Durden, owners) requesting Rezoning from **NRC with Stipulations** to **NRC with Stipulations** for the purpose of a Full Service Car Wash in Land Lots 31 and 42 of the 17th District. Located on the east side of Floyd Road, north of Nickajack Road.
- Z-8** **PALLADIAN, INC.** (owner) requesting Rezoning from **R-20** to **RSL** for the purpose of a Senior Residential Community in Land Lot 1054 of the 16th District. Located at the southeast intersection of Robinson Road and Old Canton Road.

Land Use Permits

- LUP-17⁰⁷** **PATRICIA UBOH** (Lifeline International Ministries, Inc., owner) requesting a **Land Use Permit** for the purpose of a Day Care in Land Lot 1092 of the 19th District. Located on the south side of Thomas Road and the north side of Moore Street, west of Austell Powder Springs Road (3662 Moore Street). *(Previously continued by the Planning Commission from their December 4, 2007 hearing)*
- LUP-1** **BILLY PAYNE** (owner) requesting a **Land Use Permit** for the purpose of Having More Than One Vehicle Per 390 Square Feet of Dwelling Unit in Land Lot 270 of the 17th District. Located on the north side of Norton Circle, west of Biggern Avenue (460 Norton Circle). **WITHDRAWN BY STAFF**
- LUP-2** **SHIRLEY STREETMAN** (Paul Lamar Streetman, owner) requesting a **Land Use Permit (Renewal)** for the purpose of a Beauty Shop in Land Lot 269 of the 17th District. Located on the northeasterly side of Woodview Drive, southeasterly of Church Road (3195 Woodview Drive).
- LUP-3** **CHARLES SMITH** (owner) requesting a **Land Use Permit (Renewal)** for the purpose of a Fruit Stand in Land Lot 1054 of the 19th District. Located on the northeasterly side of Austell Powder Springs Road, south of McKay Road (4509 Austell Powder Springs Road).
- LUP-4** **BRADLEY MALLET** (Bradley Mallet and Jennifer Mallet, owners) requesting a **Land Use Permit** for the purpose of Tree Service and Parking Tree Service Equipment (Bobcat and Chipper) in Land Lot 418 of the 16th District. Located at the southwest intersection of Windburn Drive and Key Street (1306 Windburn Drive).
- LUP-5** **HENRY WALKER, III** (owner) requesting a **Land Use Permit** for the purpose of Additional Occupancy (Allow More Than Two Unrelated People To Occupy A Dwelling Unit) in Land Lot 97 of the 16th District. Located at the southwesterly intersection of Forest Chase Terrace and Forest Valley Place (2951 Forest Chase Terrace).

- LUP-6** **GARY BINETTE** (Freeport Title & Guaranty, Inc., as Trustee of the 3621 Frey Lake Road Dinsmore Fiduciary Estoppel Trust, owner) requesting a **Land Use Permit** for the purpose of Renting To Students (Allow More Than Two Unrelated People To Occupy A Dwelling Unit) in Land Lot 94 of the 20th District. Located on the westerly side of Frey Lake Road, south of Club Drive (3621 Frey Lake Road).
- LUP-7** **DEREK S. BINETTE** (owner) requesting a **Land Use Permit** for the purpose of Multiple Tenants (Allow More Than Two Unrelated People To Occupy A Dwelling Unit) in Land Lot 94 of the 20th District. Located on the west side of Frey Lake Road, north of Shiloh Trail (3651 Frey Lake Road).
- LUP-8** **VISION FOR SOULS** (Vision for Souls Outreach Center Church, Inc., owner) requesting a **Land Use Permit (Renewal)** for the purpose of Child Care to General Public in Land Lots 299 and 300 of the 18th District. Located on the east side of Factory Shoals Road, south of Mableton Parkway (6519 Factory Shoals Road).

NOTE: **“Pursuant to the Official Code of Cobb County, Zoning – Section 134-124(b) the Cobb County Board of Commissioners is authorized to consider and may consider all constitutionally permissible zoning classification(s), including, but not limited to, intervening classification(s) and/or the classification(s) sought by the applicant.”**