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# ZONING ANALYSIS

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## Planning Commission Public Hearing

February 3, 2009

## Board of Commissioners' Public Hearing

February 17, 2009

Prepared by:  
**COBB COUNTY**  
**PLANNING AND ZONING DIVISIONS**

***COBB COUNTY BOARD OF COMMISSIONERS***

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***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.

# **A G E N D A S**

**COBB COUNTY**  
**ZONING HEARING AGENDA**  
**Planning Commission – February 3, 2009**

**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-59<sup>'08</sup>** **REALTICORP/THORNTON, LLC** (owner) requesting Rezoning from **LI** and **R-20** to **CRC** for the purpose of Retail and Hotel in Land Lots 583, 584, 613, and 614 of the 18<sup>th</sup> District. Located on the north side of Interstate West Parkway and on the south side of Interstate 20, east of Thornton Road. *(Previously continued by the Planning Commission from their December 2, 2008 hearing).*

**SLUP-18<sup>'08</sup>** **COOKE ENTERPRISES, INC.** (Mack & Abe, Inc., owner) requesting a **Special Land Use Permit** for the purpose of a Climate Controlled Self-Service Storage Facility in Land Lots 469 and 470 of the 16<sup>th</sup> District. Located on the east side of Johnson Ferry Road, south of Shallowford Road. *(Continued by the Planning Commission from their September 3, 2008 hearing until their November 4, 2008 hearing and continued by Staff from the November 4, 2008 Planning Commission hearing until their April 7, 2009 hearing; therefore will not be considered at this hearing)*

**REGULAR CASES --- NEW BUSINESS**

**Rezoning**

**Z-1** **JEFFERY C. SMITH and JULIAN W. SMITH, SR.** (owners) requesting Rezoning from **GC** to **R-20** for the purpose of Residential in Land Lot 1054 of the 19<sup>th</sup> District. Located on the northeastern side of Austell Powder Springs Road, south of Furr Avenue.

**Z-2** **VININGS FINE WINE & DELI, INC.** (owner) requesting Rezoning from **NS** to **NRC** for the purpose of Retail and Restaurant in Land Lot 909 of the 17<sup>th</sup> District. Located on the north side of Paces Ferry Road and on the south side of Spring Street, west of Mountain Street.

- Z-3**        **SHARDA TANKOO** (owner) requesting Rezoning from **R-20** to **LRC** for the purpose of a Bridal Shop in Land Lot 566 of the 16<sup>th</sup> District. Located at the northwest intersection of Piedmont Road and Governors Court.
- Z-4**        **U.S. 41 and I 285 COMPANY** (Morton L. Olshan, owner) requesting Rezoning from **PSC** to **GC** for the purpose of a Restaurant in Land Lots 947, 948, 979 and 980 of the 17<sup>th</sup> District. Located on the east side of Akers Mill Road, north of U.S. Highway 41.
- Z-5**        **HARRY BOONE and BILL HUFF** (John Stephens, Janet Goethe and Jane L. Wootton, owners) requesting Rezoning from **LI, OI and R-20** to **CCRC** for the purpose of a Retirement Community in Land Lots 584, 585, 586, 611 and 612 of the 18<sup>th</sup> District. Located on the north side of Factory Shoals Road, southwesterly of Hartman Road and on the south side of Interstate 20, east of Thornton Road. *(Continued by Staff from the February 3, 2009 Planning Commission hearing; therefore will not be considered at this hearing)*
- Z-6**        **CITY VIEW HOLDINGS, L.P.** (owner) requesting Rezoning from **UC** to **UC With Stipulations** for the purpose of a Senior Living Facility in Land Lots 977 and 1016 of the 17<sup>th</sup> District. Located on the south side of Cumberland Boulevard, west of U.S. Highway 41.

**Land Use Permits**

- LUP-1**        **GORDON LEE GRESHAM** (owner) requesting a **Land Use Permit** for the purpose of Parking A Vehicle Weighing More Than 12,500 Pounds in Land Lot 222 of the 20<sup>th</sup> District. Located on the north side of Stilesboro Road, west of Brackendale Road (4510 Stilesboro Road).
- LUP-2**        **NICK ECONOMOS** (owner) requesting a **Land Use Permit** for the purpose of Allowing More Than Two Unrelated People to Occupy a Dwelling Unit in Land Lot 697 of the 16<sup>th</sup> District. Located at the northwest intersection of Oakrill Road and Oakrill Court (2561 Oakrill Road). **WITHDRAWN WITHOUT PREJUDICE**

- LUP-3**      **MICHAEL DREWITZ** (Michael K. Drewitz and Ligia M. Drewitz, owners) requesting a **Land Use Permit** for the purpose of a Photography Studio in Land Lot 979 of the 16<sup>th</sup> District. Located on the northern side of Robinson Road, west of Hidden Hollow Drive (3555 Robinson Road).
- LUP-4**      **RAYMUNDO RUVALCABA** (Claudia Ruvalcaba, owner) requesting a **Land Use Permit** for the purpose of Renting A Garage Apartment in Land Lots 126 and 163 of the 17<sup>th</sup> District. Located on the northern side of Renae Lane, northwest of Brownmoore Drive (340 Renae Lane).
- LUP-5**      **ADEMIR NASCEMENTO** (owner) requesting a **Land Use Permit** for the purpose of Allowing More Than Two Unrelated People to Occupy a Dwelling Unit in Land Lots 717, 718, 723 and 724 of the 17<sup>th</sup> District. Located on the westerly side of Forest Ridge Drive, south of Oakland Drive and on the east side of I-75, north of Delk Road (748 Forest Ridge Drive).
- LUP-6**      **SUSAN F. WHITE** (owner) requesting a **Land Use Permit** for the purpose of Allowing Two Separate Dwelling Units On The Same Lot in Land Lot 278 of the 20<sup>th</sup> District. Located on the west side of Frank Kirk Road, south of Kennesaw Due West Road and on the north side of Simonson Way (under construction) (889 Frank Kirk Road).

**Special Land Use Permits**

- SLUP-1**      **AMERICAN TOWER ASSET SUB, LLC** (Stone Solutions of Atlanta, LLC, owners) requesting a **Special Land Use Permit** for the purpose of Increasing The Height Of An Existing Cell Tower From 150 Feet To 174 Feet in Land Lot 221 of the 17<sup>th</sup> District. Located on the west side of Eastside Drive, south of Carruth Drive.

**SLUP-2 LAKEVIEW SEVENTH-DAY ADVENTIST CHURCH** (Georgia-Cumberland Association of Seventh-Day Adventists, Inc., owner) requesting a **Special Land Use Permit** for the purpose of a Private School in Land Lots 724 and 725 of the 19<sup>th</sup> District. Located at the southwest intersection of Macedonia Road and Forest Hill Road.

**SLUP-3 SUMMIT BAPTIST CHURCH OF COBB COUNTY, INC.** (owner) requesting a **Special Land Use Permit** for the purpose of a Private School in Land Lot 52 of the 20<sup>th</sup> District. Located on the east side of Moon Station Lane, north of Baker 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.”

**COBB COUNTY**  
**ZONING HEARING AGENDA**  
**Board of Commissioners – February 17, 2009**

*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*

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### HELD CASES

**Z-37<sup>08</sup> COOKE ENTERPRISES, INC.** (Mack & Abe, Inc., owner) requesting Rezoning from **GC** to **OI** for the purpose of a Climate Controlled Self-Service Storage Facility in Land Lots 469 and 470 of the 16<sup>th</sup> District. Located on the east side of Johnson Ferry Road, south of Shallowford Road. *(Continued by the Planning Commission from their August 5, 2008 and September 3, 2008 hearings and held by the Board of Commissioners from their October 21, 2008 hearing until their March 17, 2009 hearing; therefore will not be considered at this hearing)*

**Z-49<sup>08</sup> TRI-KELL INVESTMENTS, INC.** (Riverview Associates, Ltd. and Riverview Village, LLC, owners) requesting Rezoning from **GC** to **RRC** for the purpose of Mixed Use Development in Land Lots 976, 977, 1016 and 1017 of the 17<sup>th</sup> District. Located at the northwesterly intersection of U.S. Highway 41 and Paces Mill Road. *(Previously continued by Staff from the October 7, 2008 and November 4, 2008 Planning Commission hearings and previously held by the Board of Commissioners from their December 16, 2008 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.”