

**COBB COUNTY BOARD OF COMMISSIONERS
ZONING HEARING SUMMARY AGENDA
DECEMBER 13, 2011**

CONSENT CASES

- Z-39** **EVELYN OWUSU AND KWAME OWUSU** *(Previously continued by the Planning Commission from their November 1, 2011 hearing)*
- Z-44** **SHAKTI HOSPITALITY, INC.**
- Z-45** **CHRIS WEISE**
- Z-46** **DAVID TRIBBLE**
- Z-48** **US 41 & I 285 COMPANY, INC.**
- Z-49** **MILFORD CHURCH OF GOD**
- Z-50** **TINA THOMAS**
- LUP-29** **WILLIAM A. FARRELLY**
- LUP-32** **ONE WORLD SPIRITUAL CENTER**
- SLUP-11** **BOCA INDUSTRIES, INC.**

REGULAR CASES

- Z-42** **BANKHEAD C & D TRANSFER STATION, LLC** *(Previously continued by Staff from the November 1, 2011 Planning Commission hearing)*
- Z-43** **EAH INVESTMENTS, LLC**
- LUP-30** **KAREN STEINBERG**
- LUP-31** **WADE GILL**
- SLUP-10** **BANKHEAD C & D TRANSFER STATION** *(Previously continued by Staff from the November 1, 2011 Planning Commission hearing)*

HELD OR CONTINUED CASES BY STAFF, THE PLANNING COMMISSION OR THE BOARD OF COMMISSIONERS

- Z-41** **WALTON COMMUNITIES, LLC** *(Previously continued by the Planning Commission from their November 1, 2011 hearing and continued by Staff from the December 5, 2011 Planning Commission hearing; therefore will not be considered at this hearing)*
- Z-47** **TRINITAS VENTURES, LLC** *(Continued by the Planning Commission from their December 5, 2011 hearing; therefore will not be considered at this hearing)*

OTHER BUSINESS

ITEM #1 WITHDRAWN

To consider a site plan and stipulation amendment for Pope & Land Enterprises, Inc. regarding application Z-121 (Pope & Land Enterprises, Inc.) of February 21, 2006 for property located at the southeast intersection of Cumberland Boulevard and Stillhouse Lane and at the northwest intersection of Stillhouse Lane and River Oaks Drive in Land Lots 949, 950 and 977 of the 17th District.

ITEM #2

To consider a site plan amendment and proposed building architecture for JP Morgan Chase Bank regarding zoning application #66 of 1987 (George S. Morgan Development Company, Inc.), for property located on the north side of Dallas Highway, east of Mars Hill Road in Land Lot 66 of the 19th District.

ITEM #3

To consider site plan and stipulation amendment for Ashton Atlanta Residential, LLC regarding rezoning application Z-109 of 2005 (The Pacific Group, Inc.), for property located on the west side of Oakdale Road, south of Chelton Way in Land Lot 692 of the 17th District.

ITEM #4

To consider stipulation amendment for O'Dwyer Homes, Inc. regarding rezoning application Z-197 of 2004 (Integrated Designs International, Inc.), for property located on the west side of Factory Shoals Road, the east side of Wade Road and on the south side of Blair Bridge Road in Land Lots 413 and 414 of the 18th District.

COBB COUNTY BOARD OF COMMISSIONERS
ZONING HEARING *CONSENT* AGENDA
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Rezoning

Z-39 **EVELYN OWUSU AND KWAME OWUSU** (owners) requesting Rezoning from **R-20** to **LI** for the purpose of a Mechanic Shop in Land Lot 610 of the 18th District. Located on the northwest side of Factory Shoals Road, northwest of Hartman Road, south of I-20. *(Previously continued by the Planning Commission from their November 1, 2011 hearing)* The Planning Commission recommended **approval** of Rezoning to the **LI** zoning district **subject to:**

- **site plan received by the Zoning Division on August 29, 2011, with the District Commissioner approving minor modifications (on file in the Zoning Division)**
- **letter of agreeable conditions from Mr. Doug Patten dated November 28, 2011 (on file in the Zoning Division)**
- **for this use (Mechanic Shop) *only*, with any changes to be approved by the District Commissioner**
- **driveway going into the building (Mechanic Shop) to be paved**
- **remove any unused outbuildings within ninety (90) days of the date of final decision by the Board of Commissioners**
- **landscape plan to be approved by the County Arborist during Plan Review process to ensure adequate screening by proposed buffers**
- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Cobb DOT comments and recommendations**
- **inclusion on the Consent Agenda for the Board of Commissioners' zoning hearing of December 13 2011**

Z-44 **SHAKTI HOSPITALITY, INC.** (owner) requesting Rezoning from **HI** to **GC** for the purpose of Continuation of Existing Hotel in Land Lots 602 and 603 of the 18th District. Located on the south side of Lee Industrial Boulevard, east of Six Flags Parkway; and on the north side of Interstate 20. The Planning Commission recommended **approval** of Rezoning to the **GC** zoning district **subject to:**

Z-44 continued on next page

Z-44 SHAKTI HOSPITALITY, INC. (Continued)

- *revised* site plan received by Zoning Division on October 21, 2011 with District Commissioner approving minor modifications (on file in the Zoning Division)
- any new construction to be approved by District Commissioner
- Fire Department comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations
- 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
- inclusion on the Consent Agenda for the Board of Commissioners' zoning hearing of December 13, 2011

Z-45 CHRIS WEISE (owner) requesting Rezoning from **LRO** and **R-20** to **NRC** for the purpose of Retail Services in Land Lots 349 and 350 of the 16th District. Located on the east side of the intersection of Canton Road and Coventry Drive; and on the west side of Centerview Drive. The Planning Commission recommended approval of Rezoning to the **NRC** zoning district **subject to:**

- site plan dated June 29, 2001 with District Commissioner approving minor modifications (on file in the Zoning Division)
- letter of stipulations from Ms. Carol Brown of Canton Road Neighbors, Inc. dated November 30, 2011 (on file in Zoning Division)
- all other previous zoning stipulations of Z-148 of 1999 *not otherwise in conflict* to remain in effect
- Fire Department comments and recommendations
- Stormwater Management Division comments and recommendations
- Water and Sewer Division comments and recommendations
- Cobb DOT comments and recommendations
- inclusion on the Consent Agenda for the Board of Commissioners' zoning hearing of December 13, 2011

Z-46 **DAVID TRIBBLE** (Superior Land Holders Group, LLC, owner) requesting Rezoning from **GC** to **NRC** for the purpose of Light Auto Repair in Land Lot 85 of the 16th District. Located on the west side of Canton Road, north of Shallowford Road. The Planning Commission recommended **approval** of Rezoning to the **NRC** zoning district **subject to:**

- **site plan submitted to the Zoning Division last revised on October 4, 2011, with the District Commissioner approving minor modifications (on file in the Zoning Division)**
- **letter of stipulations from Ms. Carol Brown of Canton Road Neighbors, Inc. dated November 30, 2011 (on file in the Zoning Division)**
- **subject to Canton Road design guidelines**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**
- **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**
- **inclusion on the Consent Agenda for the Board of Commissioners' zoning hearing of December 13, 2011**

Z-48 **US 41 & I 285 COMPANY, INC.** (owner) requesting Rezoning from **GC** and **PSC** to **GC** for the purpose of a Restaurant in Land Lot 948 of the 17th District. Located on the north side of Cobb Parkway, east of Akers Mill Road. The Planning Commission recommended **approval** of Rezoning to the **GC** zoning district **subject to:**

- **revised site plan received by the Zoning Division November 22, 2011, with the District Commissioner approving minor modifications (on file in the Zoning Division)**
- **letter of agreeable conditions from Mr. Garvis L. Sams, Jr. dated November 9, 2011 (on file in the Zoning Division) with the following changes:**

Z-48 continued on next page

Z-48 US 41 & I 285 COMPANY, INC. (Continued)

- Page 2, Item No. 5 – add to end: “*Signage comply with the standards of the Cobb County Sign Ordinance.*”
- Page 3, Item No. 12, subparagraph a. – revise to read: “*A reduction in the front setback from fifty feet (50’) to ~~eight feet (8’)~~ sixteen feet (16’)...*”
- Page 3, Item No. 12, subparagraph b. – delete in its entirety
- Page 3, Add Item No. 15 to read: “*No parking on the premises of any vehicle for advertising purposes.*”
- Page 3, Add Item No. 16 to read: “*All dumpsters and trash receptacles to be fully enclosed and enclosure(s) to be constructed of the same materials as the restaurant.*”
- Page 3, Add Item No. 17 to read: “*Minor changes to plan and stipulations to be approved by District Commissioner.*”
- restaurant elevations submitted to the Clerk at the December 5, 2011 hearing (on file in the Zoning Division)
- Fire Department comments and recommendations, *not otherwise in conflict*
- Water and Sewer Division comments and recommendations, *not otherwise in conflict*
- Stormwater Management Division comments and recommendations, *not otherwise in conflict*
- *revised* Cobb DOT comments and recommendations, *not otherwise in conflict*
- inclusion on the Consent Agenda for the Board of Commissioners’ zoning hearing of December 13 2011

Z-49 MILFORD CHURCH OF GOD (Trustees of Milford Church of God, owner) requesting Rezoning from **R-20** to **LRO** for the purpose of a Digital Sign in Land Lot 25 of the 17th District. Located at the northwest intersection of Hicks Road and the East West Connector. The Planning Commission recommended **approval** of Rezoning to the **LRO** zoning district **subject to:**

Z-49 continued on next page

Z-49 MILFORD CHURCH OF GOD (Continued)

- site plan dated October 25, 2011, with the District Commissioner approving minor modifications (on file in the Zoning Division)
- for this use (sign) *only*
- remaining 12.34 acres of the church site to remain R-20
- compliance with the Cobb County Sign Ordinance
- Cobb DOT comments and recommendations
- inclusion on the Consent Agenda for the Board of Commissioners' zoning hearing of December 13, 2011

Z-50 TINA THOMAS (Big Mountain Properties, LLC, owner) requesting Rezoning from **NRC** to **CRC** for the purpose of Doggy Daycare, Grooming, and Boarding in Land Lot 402 of the 19th District. Located on the southeasterly side of Powder Springs Road, southwest of Oxford Road. The Planning Commission recommended **approval** of Rezoning to the **CRC** zoning district **subject to:**

- site plan received by the Zoning Division on October 26, 2011, with the District Commissioner approving minor modifications (on file in the Zoning Division)
- indoor boarding kennel *only* (no outside runs)
- approval from Cobb County Health Department
- use cannot create a nuisance as defined by state law
- building to be soundproofed
- internal air exchange system required (excluding air conditioning system)
- all other previous zoning stipulations of Z-35 of 2008 *not otherwise in conflict* to remain in effect
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- DOT comments and recommendations
- inclusion on the Consent Agenda for the Board of Commissioners' zoning hearing of December 13, 2011

Land Use Permits

LUP-29 **WILLIAM A. FARRELLY** (Archbishop of the Roman Catholic Archdiocese of Atlanta, owner) requesting a **Land Use Permit** for the purpose of a Pre-School in Land Lot 1196 of the 16th District. Located on the north side of Lower Roswell Road, and on the east side of Pinehurst Lane (3401 Lower Roswell Road). The Planning Commission recommended **approval** of Land Use Permit for **24 months subject to:**

- site plan received by the Zoning Division dated July 21, 2009, with the District Commissioner approving minor modifications (on file in the Zoning Division)
- all other previous stipulations included in Exhibit A *not otherwise in conflict* (on file in the Zoning Division)
- Fire Department comments and recommendations
- Stormwater Management Division comments and recommendations
- Water and Sewer Division comments and recommendations
- Cobb DOT comments and recommendations
- inclusion on the Consent Agenda for the Board of Commissioners' zoning hearing of December 13, 2011

LUP-32 **ONE WORLD SPIRITUAL CENTER** (Northwest Christian Church, owner) requesting a **Land Use Permit** for the purpose of a Childcare Learning Center in Land Lots 390 and 391 of the 16th District. Located at the northwesterly intersection of Shallowford Road and Wesley Chapel Road; and on the south side of Fricks Road (3535 Shallowford Road). The Planning Commission recommended **approval** of Land Use Permit for **12 months subject to:**

- site plan received by the Zoning Division October 10, 2011, with the District Commissioner approving minor modifications (on file in the Zoning Division)
- traffic circulation plan to be approved by Cobb DOT staff
- Cobb DOT comments and recommendations
- inclusion on the Consent Agenda for the Board of Commissioners' zoning hearing of December 13 2011

Special Land Use Permits

SLUP-11 BOCA INDUSTRIES, INC. (Donald E. Lenci, owner) requesting a **Special Land Use Permit** for the purpose of Biofuels Manufacturing, Recycling of Fats, Oils and Grease in Land Lots 964 and 965 of the 17th District. Located at the southwest intersection of Nifda Boulevard and Nifda Drive, west of South Atlanta Road. The Planning Commission recommended **approval** of Special Land Use Permit, **subject to:**

- **site plan received with the Application for Special Land Use Permit, with the District Commissioner approving minor modifications (on file in the Zoning Division)**
- **Statement of Proposed Site Improvements from Donald E. Lenci received by the Zoning Division on October 6, 2011 (on file in the Zoning Division)**
- **no Certificate of Occupancy (CO) to be issued until receipt of inspection report from Fire Protection Engineer by the Fire Marshall's Office**
- **no Certificate of Occupancy (CO) to be issued until receipt of copies of all approvals, certifications, and permits from Environmental Protection Agency (EPA)**
- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**
- **inclusion on the Consent Agenda for the Board of Commissioners' zoning hearing of December 13 2011**