
ZONING ANALYSIS

**Planning Commission
Public Hearing**

July 1, 2014

**Board of Commissioners'
Public Hearing**

July 15, 2014

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
John Pederson, Manager, Zoning Division



Cobb County... Expect the Best!

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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.

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COBB COUNTY
ZONING HEARING AGENDA
Planning Commission – July 1, 2014

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-2** **ISAKSON LIVING COMMUNITIES, LLC** (Wylene S. Tritt, owner) requesting Rezoning from **R-20** to **CCRC** for the purpose of a Continuing Care Retirement Facility in Land Lots 965 and 966 of the 16th District. Located on the south side of Roswell Road, across from Providence Road, and west of Robinson Road (3540 Roswell Road). *(Continued by Staff until the September 4, 2014 Planning Commission hearing; therefore will not be considered at this hearing)*
- Z-22** **3700 ROSWELL ROAD, LLC** (Barry J. Shemaria, owner) requesting Rezoning from **LRO** to **O&I** for the purpose of a Climate Controlled Self-Service Storage Facility in Land Lot 967 of the 16th District. Located on the south side of Roswell Road, west of Robinson Road (3700 Roswell Road). *(Previously continued by Staff)*
- Z-28** **MUNICIPAL COMMUNICATIONS, LLC** (Victoria A. Milam, owner) requesting Rezoning from **O&I With Stipulations** to **O&I With Stipulations** for the purpose of a Telecommunications Tower and Related Equipment in Land Lots 365 and 428 of the 16th District. Located on the south side of Chastain Road, east of I-575 (287 Chastain Road). *(Previously continued by Staff until the July 1, 2014 Planning Commission Hearing)*
- Z-37** **FIRST CENTER, INC.** (owner) requesting Rezoning from **R-20** and **R-15** to **FST** for the purpose of Fee Simple Townhomes in Land Lots 83 and 84 of the 16th District. Located at the southwest intersection of Shallowford Road and Jamerson Road (682, 780 and 792 Shallowford Road). *(Previously continued by the Planning Commission from their June 3, 2014 hearing)*

- SLUP-6** **3700 ROSWELL ROAD, LLC** (Barry J. Shemaria, owner) requesting a **Special Land Use Permit** for the purpose of a Climate Controlled Self-Service Storage Facility in Land Lot 967 of the 16th District. Located on the south side of Roswell Road, west of Robinson Road (3700 Roswell Road). *(Previously continued by Staff)*
- SLUP-9** **MUNICIPAL COMMUNICATIONS, LLC** (Victoria A. Milam, owner) requesting a **Special Land Use Permit** for the purpose of a Telecommunications Tower and Related Equipment in Land Lots 365 and 428 of the 16th District. Located on the south side of Chastain Road, east of I-575 (287 Chastain Road). *(Previously continued by Staff until the July 1, 2014 Planning Commission Hearing)*
- SLUP-10** **RIVERSTONE MONTESSORI ACADEMY, LLC** (Korinne Akridge and Bernie Akridge, owners) requesting a **Special Land Use Permit** for the purpose of Expansion of Riverstone Montessori School in Land Lots 56 and 93 of the 19th District. Located on the north side of Friendship Church Road, east of Castell Road (627 Friendship Church Road). *(Previously continued by the Planning Commission from their June 3, 2014 hearing)*

REGULAR CASES --- NEW BUSINESS

Rezoning

- Z-41** **JERRY L. JACKSON AND JAMES E. BAKER** (owners) requesting Rezoning from **GC** to **NRC** for the purpose of Retail and Offices in Land Lots 154 and 155 of the 17th District. Located on the southeast side of Austell Road, northeast of Austell Circle (1801 Austell Road).
- Z-42** **JAMES R. CRAIG** (owner) requesting Rezoning from **GC** and **R-20** to **NRC** for the purpose of a Gym and Auto Repair in Land Lot 660 of the 16th District. Located on the north side of Liberty Hill Road, and the south side of Hiawasse Drive, east of Canton Road (837 Liberty Hill Road)

- Z-43** **JOHN F. PAPAZIAN AND DONNA D. PAPAZIAN** (owners) requesting Rezoning from **R-20** to **NRC** for the purpose of Existing Daycare in Land Lot 660 of the 16th District. Located on the east side of Canton Road, south of Liberty Hill Road (2288 Canton Road).
- Z-44** **BRED CO., LLC** (owner) requesting Rezoning from **O&I, GC** and **OHR** to **RRC** for the purpose of a Mixed Use Development in Land Lots 876, 877, 879, 880, 914, 915, 916, 917, 918, 945 and 946 of the 17th District. Located on the southeast side of Windy Ridge Parkway, northwest and easterly sides of Circle 75 Parkway, north side of I-285, east side of Cobb Parkway, easterly side of Circle 75 Parkway, on the westerly side of I-75, and on the easterly, southerly and westerly sides of Heritage Court.
- Z-45** **MCP-ACKERMAN CORPORATE FORUM, LLC** (owner) requesting Rezoning from **GC** to **RRC** for the purpose of a Mixed Use Development in Land Lots 850, 851, 876 and 877 of the 17th District. Located on the southwest side of Circle 75 Parkway, south of Windy Hill Road (4501 Circle 75 Parkway). **(Continued by Staff until the September 4, 2014 Planning Commission hearing; therefore will not be considered at this hearing)**
- Z-46** **JW HOMES, LLC** (Paul Samuel Properties, LLP, Double Edge, LLC, and Laverne and Carl Abbott, owners) requesting Rezoning from **R-20** and **R-30** to **R-20/OSC** for the purpose of a Single-Family Residential Subdivision in Land Lots 237, 258 and 259 of the 20th District. Located on the south side of Paul Samuel Road, and on the east side of Acworth Due West Road.
- Z-47** **TRATON HOMES, LLC** (owner) requesting Rezoning from **R-30** to **R-15** for the purpose of a Single-Family Residential Subdivision in Land Lots 27 and 52 of the 1st District. Located on the north side of Shallowford Road, east of Westfield Walk.

- Z-48** **DAVID PEARSON COMMUNITIES, INC.** (Elizabeth D. Pearson, owner) requesting Rezoning from **LRO** to **FST** for the purpose of Detached Single-Family Townhomes in Land Lots 629 and 630 of the 16th District. Located on the south side of First Drive, east of Sandy Plains Road (1955 First Drive).
- Z-49** **J. REX MARTIN** (J. Rex Martin and Charlene B. Martin, owners) requesting Rezoning from **GC** to **NRC** for the purpose of Retail in Land Lots 693 and 694 of the 17th District. Located on the west side of West Atlanta Road, north of Oakdale Road (4265, 4354 and 4360 West Atlanta Road).
- Z-50** **GEORGIA KIDS PROJECT, LLC** (AGWC Holding, Inc., Liberty Church, Inc., and Carpenter Braselton, Inc., owners) requesting Rezoning from **NRC, GC** and **OS** to **CRC** for the purpose of Indoor and Outdoor Recreational Facilities in Land Lots 660 and 709 of the 16th District. Located on the west side of Canton Road, north of Sylvan Drive.
- Z-51** **TIM GOWENS** (Timothy Gowens and Valeria Gowens, and Fleet Sales and Services, L.L.C., owners) requesting Rezoning from **GC, CF** and **R-20** to **GC** for the purpose of Auto Wheels Sales, Repair and Auto Sales in Land Lot 222 of the 17th District. Located on the east side of South Cobb Drive, south of Leader Road (1087 and 1093 South Cobb Drive).

Land Use Permits

- LUP-19** **ERIN O'DRISCOLL** (owner) requesting a **Land Use Permit** for the purpose of Childcare in Land Lot 258 of the 20th District. Located on the northeast side of Wyntuck Drive, north of Butterfield Drive (3753 Wyntuck Drive).

LUP-20 **MARIE B. LEONARD** (owner) requesting a **Land Use Permit** for the purpose of a Medical Hardship Mobile Home in Land Lot 1293 of the 19th District. Located on the north side of Laverte Circle, east of Andrew Drive (1356 Laverte Circle).

Special Land Use Permits

SLUP-12 **ARGOS READY MIX, LLC** (Argos Ready Mix, LLC, Georgia Power Company, and CSX Transportation, Inc., owners) requesting a **Special Land Use Permit** for the purpose of a Concrete Batch Plant in Land Lot 894 of the 17th District. Located on the south side of Plant Atkinson Road, and on the west side of Railroad, west of South Atlanta Road (293 Plant Atkinson Road).

SLUP-13 **FLEET SALES AND SERVICES, LLC** (Timothy Gowens and Valerie Gowens, owners) requesting a **Special Land Use Permit** for the purpose of Auto Sales in Land Lot 222 of the 17th District. Located on the east side of South Cobb Drive, south of Leader Road (1087 and 1093 South Cobb Drive).

HELD CASES

Z-35 **O'DWYER PROPERTIES, LLC** (Killarney Investments, LLC, W. A. Jett, Steven Galpher, Waverly Thornton, and Earl D. Thornton, owners) requesting Rezoning from **R-30** to **R-15** for the purpose of Single-Family Residential in Land Lots 48 and 97 of the 16th District. Located on the northeast side of Jamerson Road, west of Wigley Road (2711, 2727 and 2750 Jamerson Road). *(Previously held by the Planning Commission from their June 3, 2014 hearing)*

- Z-36** **TANGLEWOOD DEVELOPMENT, INC.** (David R. Pearson and Elizabeth D. Pearson, owners) requesting Rezoning from **R-15** and **R-30** to **R-15** for the purpose of Single-Family Residential in Land Lots 24 and 49 of the 16th District. Located on the northeast side of Jamerson Road, west of Hawk Trail (2555 and 2625 Jamerson Road). *(Previously held by the Planning Commission from their June 3, 2014 hearing)*

OTHER BUSINESS

ITEM OB-42

To consider approval of an R-20 Open Space Community Overlay application for Landgroup Group Atlanta, Inc. regarding Application OSC 14-01 filed May 5, 2014, for property located at 76 Cooper Lake Road, in Land Lot 250 of the 17th District.

ITEM #2

To conduct a Public Hearing and consider a recommendation to the Board of Commissioners regarding the Final Draft of the North West Cobb Land Vulnerability Study. *(Continued by Staff until the August 5, 2014 Planning Commission hearing; therefore will not be considered at this 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 – July 15, 2014

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-27** **BROOKS CHADWICK, LLC** (Tennis Academy of Georgia, Inc., owner) requesting Rezoning from **RR** to **RM-8** for the purpose of Single-Family Attached Residential Units in Land Lot 976 of the 16th District. Located on the southeast side of Audubon Drive, south of Fairfield Drive (900 Audubon Drive). *(Previously continued by Staff from the May 20, 2014 Board of Commissioners hearing and previously continued by the Board of Commissioners from their June 17, 2014 hearing)*
- Z-32** **PATRICK MALLOY COMPANIES, LLC** (Dabney Partners, LLC; Cooper Lake Holdings, LLC; George M. Hardage; Rosemary N. Hardage; and the Estate of Inez Glass, owners) requesting Rezoning from **RA-5** and **R-20** to **RA-5** for the purpose of Single-Family Residential in Land Lots 696 and 745 of the 17th District. Located on the south side of Lee Road, and north side of Cooper Lake Drive, west of Atlanta Road. *(Previously continued by the Board of Commissioners from their June 17, 2014 hearing)*
- Z-40** **FEED GOD’S CHILDREN MINISTRY** (Sheila Bynum, owner) requesting Rezoning from **RA-5** to **R-30** for the purpose of a Church in Land Lot 202 of the 17th District. Located on the east side of Sandtown Road, south of Windy Hill Road. *(Previously continued by Staff from the June 17, 2014 Board of Commissioners hearing)*

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OTHER BUSINESS

ITEM OB-35

To consider amending the stipulations for the North Atlanta Soccer Association regarding Special Land Use Permit application LUP-3 of 1990 (Metro North Youth Soccer Association, Inc.), for property located on the north side of Paper Mill Road, west of Johnson Ferry Road in Land Lots 5, 6, 73 of the 1st District.

ITEM OB-36

To consider a site plan amendment for Mark Van DeWater representing Costco regarding rezoning application Z-42 of 1996 (Hendon Property Associates, LP), for property located on the south side of Ernest Barrett Parkway, west of Interstate 75 in Land Lots 650, 718 and 719 of the 16th District.

ITEM OB-37

To consider a request from CBS Outdoor, LLC regarding a billboard placement located on the easterly side of Roswell Road and on the westerly side of Lecroy Drive. The property is located Land Lot 1029 of the 16th District.

ITEM OB-38

To consider a stipulation amendment for Trammell Crow Residential regarding rezoning application Z-64 of 2013 (Pope & Land Enterprises, Inc.), for property located at the southwest intersection of Cumberland Boulevard and Cobb Parkway in Land Lots 977, 1015 and 1016 of the 17th District.

ITEM OB-39

To consider a site plan amendment for Patrick Malloy Communities regarding rezoning application Z-167 of 2005 (Cousins Real Estate Corporation), for property located on the east side of Lost Mountain Road, south of Dallas Highway in Land Lots 84, 137, 138, 139 and 159 of the 19th District.

ITEM OB-40

To consider a stipulation amendment for 2671 Roswell Road, LLC regarding rezoning application Z-51 of 2012 (Arrowhead Real Estate Partners, LLC), for property located on the north side of Roswell Road, west of Robert Lane in Land Lots 961, 984 and 985 the 16th District.

ITEM OB-41

To consider a stipulation amendment for Diana Gutierrez regarding rezoning application Z-19 of 2011 (Angelyn Clay Walker), for property located at the northeast corner of Clay Road and Austell Road in Land Lots 1140 and 1141 of the 19th District.

ITEM OB-42

To consider approval of an R-20 Open Space Community Overlay application for Land Group Atlanta, Inc. regarding Application OSC 14-01 filed May 5, 2014, for property located at 76 Cooper Lake Road, in Land Lot 250 of the 17th District.

ITEM OB-43

To consider amending and clarifying zoning stipulations for Can Nguyen regarding rezoning application Z-14 of 2014 (Can Nguyen), for property located on the north side of South Gordon Road, east of Starling Drive in Land Lots 386 and 412 of the 18th District.

ITEM OB-44

To consider amending the site plan for William D. Huff regarding rezoning application Z-172 of 1994 (Eagle Real Estate Advisors, Inc.), for property located at the southeast intersection of Woodlawn Drive and Tiger Lily Way in Land Lots 8, 9, 70 and 71 of the 1st District.

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.”**