

**COBB COUNTY BOARD OF COMMISSIONERS
ZONING HEARING SUMMARY AGENDA
FEBRUARY 17, 2015**

CONSENT CASES

Z-3	PAUL AMINA AND PRADEEP GUTTA
Z-5	WENDELL L. FOWLER
Z-7	INGA AUTO CENTER
Z-13	THE VEST HOUSE, LLC
Z-14	DAVIS ICE CREAM D/B/A ICE CREAM WAREHOUSE
Z-15	MARIA FIORILLO
Z-18	VANQUISH PROPERTY PARTNERS, LLC
Z-19	THUAN THI LAM
Z-21	DDR CORPORATION
LUP-5	SHILOH HILLS CHRISTIAN SCHOOL
LUP-6	DATHAN JOHNSON
SLUP-2	INGA AUTO CENTER

CONTINUED CASES

Z-61^{'14}	CAPITAL CITY VIEW HOMES, LLC <i>(Previously continued by Staff until the October 7, 2014 Planning Commission hearing, previously held by the Board of Commissioners from their October 21, 2014 and November 18, 2014 hearings and previously continued by Staff until the February 17, 2015 Board of Commissioners hearing)</i>
Z-87^{'14}	AUGUSTINA ONYEKE <i>(Previously continued by the Board of Commissioners from their December 16, 2014 hearing)</i>
Z-90^{'14}	MAGELLAN PIPELINE COMPANY, LP <i>(Previously continued by Staff until the February 17, 2015 Board of Commissioners hearing)</i>
LUP-34^{'14}	DERRICK W. THOMAS AND TERESA THOMAS <i>(Previously continued by Staff until the February 17, 2015 Board of Commissioners hearing)</i>
LUP-37^{'14}	BONNIE PHILLIPS <i>(Previously continued by Staff until the February 17, 2015 Board of Commissioners hearing)</i>
SLUP-21^{'14}	BARRY WOOD <i>(Previously continued by Staff until the February 17, 2015 Board of Commissioners hearing)</i>
SLUP-22^{'14}	MAGELLAN PIPELINE COMPANY, LP <i>(Previously continued by Staff until the February 17, 2015 Board of Commissioners hearing)</i>
SLUP-23^{'14}	ZACH FRESHNER/CESO, INC. <i>(Previously continued by Staff until the February 17, 2015 Board of Commissioners hearing)</i>

REGULAR CASES

- Z-2** VICTOR NWALA NGON
Z-4 MEHRI SANAYEI
Z-6 3700 ROSWELL ROAD,
Z-22 BUTLER BROTHERS TIRE COMPANY
LUP-2 HELEN JACKSON
LUP-3 CHRISTINA MARIE AND RAYFORD CLINTON KENNEDY,
JR.
LUP-4 JOSE GARCIA
SLUP-14^{'14} MUNICIPAL COMMUNICATIONS, LLC *(Previously continued by
Staff until the February 3, 2015 Planning Commission hearing)*
SLUP-1 3700 ROSWELL ROAD, LLC
SLUP-3 BUTLER BROTHERS TIRE COMPANY

WITHDRAWN CASE

- LUP-1** JAMES A. KISER – WITHDRAWN WITHOUT PREJUDICE

CONTINUED OR HELD CASES BY PLANNING COMMISSION OR STAFF

- Z-2**^{'14} ISAKSON LIVING COMMUNITIES, LLC *(Previously continued by
Staff until the November 4, 2014 Planning Commission hearing and previously
held by the Planning Commission from their November 4, 2014 hearing.
Continued by Staff until the March 3, 2015 Planning Commission hearing;
therefore will not be considered at this hearing)*
Z-86^{'14} ZERO ONE, LLC *(Continued by the Planning Commission from their
December 2, 2014 and February 3, 2015 hearings; therefore will not be
considered at this hearing)*
Z-1 FORESTAR (USA) REAL ESTATE GROUP, INC. *(Continued by
the Planning Commission from their February 3, 2015 hearing; therefore will not
be considered at this hearing)*
Z-8 WINDSONG PROPERTIES *(Held by the Planning Commission from their
February 3, 2015 hearing; therefore will not be considered at this hearing)*
Z-9 PIEDMONT LAND GROUP OF GEORGIA 2, LLC *(Held by the
Planning Commission from their February 3, 2015 hearing; therefore will not be
considered at this hearing)*

CONTINUED OR HELD CASES BY PLANNING COMMISSION OR STAFF
(Continued)

- Z-10** **CORNERSTONE ASSOCIATES, INC.** *(Held by the Planning Commission from their February 3, 2015 hearing; therefore will not be considered at this hearing)*
- Z-11** **DESTINY DEVELOPMENT CORPORATION** *(Continued by the Planning Commission from their February 3, 2015 hearing; therefore will not be considered at this hearing)*
- Z-12** **MICHAEL B. KENNEDY** *(Continued by the Planning Commission from their February 3, 2015 hearing; therefore will not be considered at this hearing)*
- Z-16** **GEORGIA KIDS PROJECT,** *(Continued by Staff until the March 3, 2015 Planning Commission hearing; therefore will not be considered at this hearing)*
- Z-17** **E-ROCK DEVELOPMENT, LLC** *(Continued by Staff until the March 3, 2015 Planning Commission hearing; therefore will not be considered at this hearing)*
- Z-20** **BK PROPERTIES, LP** *(Continued by Staff until the March 3, 2015 Planning Commission hearing; therefore will not be considered at this hearing)*

OTHER BUSINESS

ITEM OB-35 (2014)

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. *(Previously continued by Staff from the July 15, 2014, August 19, 2014, September 16, 2014, October 21, 2014, November 18, 2014 and December 16, 2014 Board of Commissioners hearings)*

ITEM OB-67 (2014)

To clarify and give Staff direction regarding a zoning stipulation for the Enclave at Cripple Creek subdivision regarding rezoning application Z-132 of 2006 (Ovation Homes, LLC), for property located at the southwesterly intersection of North Booth Road and Cripple Creek Drive in Land Lots 217 and 288 of the 16th District. *(Previously held by the Board of Commissioners from their November 18, 2014 and December 16, 2014 hearings)*

ITEM OB-01

To consider granting a Special Exception for backyard chickens as recommended by the Board of Zoning Appeals from their December 10, 2014 Variance Hearing regarding Variance Application:

V-119 David and Katrina Blauvelt

ITEM OB-02

To consider amending the site plan and the stipulations for The Center for Children and Young Adults, Inc. regarding rezoning application Z-25 of 2014 (The Center for Children and Young Adults, Inc.), for property located at the northeast intersection of Austell Road and Schaffer Road in Land Lots 60 and 85 of the 17th District.

ITEM OB-03

To consider amending the site plan for Baldwin Paving, Inc. regarding rezoning application #76 (Carl E. Hammock) of 1985, for property located in Land Lot 939 of the 16th District, on the northwest side of Kenmill Drive, north of Marble Mill Road.

ITEM OB-04

To consider amending the site plan and the stipulations for Derek Murray regarding rezoning application Z-18 of 2002 (Willoughby and Sewell Development Company, Inc.), for property located on the west side of Tipton Way, west of Brookstone Walk in Land Lot 225 of the 20th District.

ITEM OB-05

To consider amending the site plan and the stipulations for Century Partners, LLC regarding rezoning application Z-44 of 2013 (Century Partners, LLC), for property located on the north side of Robinson Road, west of Roswell Road in Land Lot 967 of the 16th District.

ITEM OB-06

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.

AMEND SOMETHING PREVIOUSLY ADOPTED

Section 25 of the Board of Commissioners' Zoning and Land Use Hearing Procedures adopted January 11, 1994 and last revised October 19, 2004 allows any commissioner to amend an action taken at a previous hearing. A second shall be required and full discussion shall be allowed. A majority vote shall be required for adoption of the amendment. This particular item would be to amend an action taken on November 18, 2014 for rezoning case Z-75 (Pulte Home Corporation) to amend the rezoning case from "Withdrawn With Prejudice" to "Withdrawn Without Prejudice".

**COBB COUNTY BOARD OF COMMISSIONERS
ZONING HEARING *CONSENT* AGENDA
FEBRUARY 17, 2015**

Rezoning

Z-3 **PAUL AMINA AND PRADEEP GUTTA** (owners) requesting Rezoning from **R-20** to **R-15** for the purpose of Three Single Family Houses in Land Lot 196 of the 16th District. Located at the southwest intersection of Trickum Road and Brandon Court. The Planning Commission recommended **approval** of Z-3 to the **R-15** zoning category, subject to:

- **Site plan received by Zoning Division on December 1, 2014 (on file in the Zoning Division)**
- **Fire Department 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 February 17, 2015**

Z-5 **WENDELL L. FOWLER** (owner) requesting Rezoning from **GC** to **NRC** for the purpose of an Auto Mechanic Shop in Land Lot 147 of the 18th District. Located on the north side of Old Alabama Road, east of South Gordon Road (1884 Old Alabama Road). The Planning Commission recommended **approval** of Z-5 to the **NRC** zoning category, subject to:

- **Site plan received by the Zoning Division December 2, 2014, *with shed and lean-to structure to be removed from site plan* (on file in the Zoning Division)**
- **Light automotive use *only***
- **Applicant shall have 60 days from final decision by the Board of Commissions to come into compliance with all County ordinances pertaining to the following:**
 - **outdoor storage**
 - **untagged vehicles**
 - **heavy equipment**
 - **remove shed and lean-to structure**
 - **remove landscape debris on the eastern side of the property**
 - **repair or remove privacy fence**

Z-5 continued on next page

Z-5 WENDELL L. FOWLER (Continued)

- Property will not be used until a new Certificate of Occupancy is issued
- Any changes in use will require Applicant to bring property up to current zoning standards
- No outdoor storage or display of merchandise
- The following items shall be completed prior to issuance of a Certificate of Occupancy:
 - all parking to be paved and striped to County standards
 - parking plan to be submitted to and approved by the Zoning Division Manager
 - installation of an eight foot landscape enhancement strip to County standards
 - installation of landscape buffers to County standards
 - repainting of the building to either the existing color or colors approved by District Commissioner
 - all signs to be brought into compliance with current County standards; existing pole sign to be removed
 - Applicant to submit landscape plan for approval by the County Arborist and District Commissioner
- District Commissioner to approve minor modifications except those that increase overall square footage of a non-residential project; cause a reduction in the size of the approved buffers adjacent to property with the same or more restrictive zoning; cause the relocation of a structure closer to the property line of an adjacent property that is zoned in the same or more restrictive zoning; increases the height of a building adjacent to a property that is zoned the same or in a more restrictive zoning; or changes access location to a different roadway
- Cobb DOT comments and recommendations, *not otherwise in conflict*
- Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing of March 3, 2015

Z-7 INGA AUTO CENTER (Inga Auto Center, Inc. and Uladislao Inga, owners) requesting Rezoning from **GC** and **R-20** to **GC** for the purpose of Auto Sales/Auto Service in Land Lots 211, 212, 221 and 222 of the 17th District. Located on the north side of Leader Road, west of South Cobb Drive (50 Leader Road). The Planning Commission recommended deletion of Z-7 to the **CRC** zoning category, subject to:

Z-7 INGA AUTO CENTER (Continued)

- **Site plan received by the Zoning Division December, 4, 2014, with District Commissioner approving minor modifications (on file in the Zoning Division)**
- **Revised letter of agreeable conditions from Mr. Parks Huff dated January 28, 2015, noting that this letter will control as it relates to the northern property line (on file in the Zoning Division), and with the following changes:**
 - **Add Item No. 10 – revise to read: “The District Commissioner will have the authority to approve minor modifications as development proposal proceeds through the Plan Review process; and thereafter, except for those that a) increase the density on the site; b) reduce the size of an approved adjacent to property that is zoned the same or in a more restrictive zoning district; c) relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district; d) increase the height of a building that is adjacent to property that is zoned the same or in a more restrictive zoning district.**
 - **Add Item No. 11: “The property will revert to its original zoning classification if not developed within 24 months of Board of Commissioners’ approval.”**
- **Used vehicle sales and repair for this Applicant *only* (any other user to be approved by the Board of Commissioners)**
- **Parking lot trees and 35 foot landscape buffer adjacent to the apartment property to the north be installed per County standards and approved by the County Arborist at Plan Review**
- **No junk or inoperative vehicles on site**
- **No repossessed vehicles kept on site**
- **No outdoor storage (except for used vehicles)**
- **No parking or unloading vehicles in the right-of-way**
- **All vehicle repairs to be done inside building**
- **All exterior lighting to be designed to eliminate any stray light onto adjacent properties**
- **No outdoor speakers or pagers**
- **Fire Department comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Water and Sewer 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 February 17, 2015**

Z-13 **THE VEST HOUSE, LLC** (owner) requesting Rezoning from **NS** to **NRC** for the purpose of Retail, Restaurants, and Offices in Land Lots 909 and 952 of the 17th District. Located on the west side of Mountain Street between Paces Ferry Road and Spring Street (2949 Paces Ferry Road and 5 Mountain Street). The Planning Commission recommended **approval** of Z-13 to the **NRC** zoning category, subject to:

- **Site plan received by the Zoning Division December 4, 2014, with the District Commissioner approving minor modifications (on file in the Zoning Division)**
- **Letters of agreeable conditions from Mr. Garvis L. Sams Jr. dated January 27, 2015 (on file in the Zoning Division)**
- **Historic Preservation comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Fire Department 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 February 17, 2015**

Z-14 **DAVIS ICE CREAM D/B/A ICE CREAM WAREHOUSE** (Ronald H. Loveless, owner) requesting Rezoning from **NS** to **NRC** for the purpose of an Ice Cream Warehouse in Land Lot 15 of the 17th District. Located on the west side of Austell Road, across from Hicks Road (2532 Austell Road). The Planning Commission recommended **approval** of Z-14 to the **NRC** zoning category, subject to:

- **Site plan received by the Zoning Division on December 4, 2014, with the District Commissioner approving minor modifications (on file in the Zoning Division)**
- **Design and color of front façade to be approved by the District Commissioner**
- **Eight foot landscape strip to be installed in accordance with County standards; if a fence is used, it must be to the interior of the landscape enhancement strip; heavy landscaping shall be used so that it will substantially shield the fence within five years**

**Z-14 DAVIS ICE CREAM D/B/A ICE CREAM WAREHOUSE
(Continued)**

- 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 February 17, 2015

Z-15 MARIA FIORILLO (Scott A. Dameron and James L. Dameron III, owners) requesting Rezoning from **R-20** to **O&I** for the purpose of a Veterinary Hospital in Land Lots 167 and 179 of the 18th District. Located on the south side of Veterans Memorial Highway, west of Nickajack Creek (1092 Veterans Memorial Highway). The Planning Commission recommended **approval** of Z-15 to the **O&I** zoning category, subject to:

- Site plan received by the Zoning Division December 4, 2014, with the District Commissioner approving minor modifications (on file in the Zoning Division)
- All debris, including tires, to be removed from the property prior to issuance of a Land Disturbance Permit; Code Enforcement to inspect the property to ensure compliance
- Existing structure to be demolished
- Architecture to be substantially similar to elevations submitted by the Applicant (on file in the Zoning Division)
- Front elevation of the building facing Veteran's Memorial Highway to have a minimum of 30% brick or stone; with remaining to be cement based siding
- Side and rear elevations to have brick, stone, and or cement based siding
- Exterior colors to be approved by the District Commissioner
- Use limited to a Veterinary Hospital *only*
- Zoning will revert to R-20 if Land Disturbance Permit is not issued within 12 months of the Board of Commissioners' final decision
- No banners shall be displayed on the property
- 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 February 17, 2015

Z-18 **VANQUISH PROPERTY PARTNERS, LLC** (The Estate of Shurlin Hunley (a.k.a. Shurlin J. Hunley or S.J. Hunley), owner) requesting Rezoning from **R-20** to **RA-5** for the purpose of Detached Single-Family Residential in Land Lot 310 of the 16th District. Located on the northeasterly side of Trickum Road, north of Shallowford Road, across from Easy Circle (3870 Trickum Road). The Planning Commission recommended **approval** of Z-18 to the **RA-5** zoning category, subject to:

- **Site plan received by the Zoning Division December 4, 2014, with District Commissioner approving minor modifications (on file in the Zoning Division)**
- **Letter of agreeable conditions from Mr. Kevin Moore dated February 2, 2015 (on file in the Zoning Division)**
- **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 February 17, 2015**

Z-19 **THUAN THI LAM** (Thuan Thi Lam and Thang Thi Lam, owners) requesting Rezoning from **NS** to **NRC** for the purpose of Office/Retail in Land Lot 1006 of the 19th District. Located at the northeast intersection of Elmwood Drive and Austell Road (4399 Austell Road). The Planning Commission recommended **approval** of Z-19 to the **NRC** zoning category, subject to:

- **Site plan received by the Zoning Division December 4, 2014 (on file in the Zoning Division)**
- **Applicant to submit a parking lot plan that meets County standards prior to any new business using this property, which shall be approved by the District Commissioner after review by Zoning Staff**
- **No outdoor storage or displays**
- **No auto repair establishments or tire shops**
- **All parking and paving to be removed from the front of building; curb cuts to be removed**

Z-19 THUAN THI LAM (Continued)

- **Eight foot landscape enhancement strip to be installed to County Standards**
- **All parking be to the rear of the building**
- **20 foot landscape buffer to be installed along or near the rear property line**
- **Color of building to remain the same or District Commissioner to approve different color**
- **All signs to comply with County standards**
- **Stormwater Management Division comments and recommendations**
- **Water and Sewer 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 February 17, 2015**

Z-21 DDR CORPORATION (DDR Southseat SP Outlet 1, LLC, owner) requesting Rezoning from **NRC with Stipulations** to **NRC with Stipulations** for the purpose of Neighborhood Retail in Land Lot 107 of the 16th District. Located on the south side of Sandy Plains Road, west of State Route 92 (4674 Sandy Plains Road). The Planning Commission recommended **approval** of Z-21 to the **NRC with Stipulations** zoning category, subject to:

- **Site plan received by the Zoning Division December 4, 2014, with the District Commissioner approving minor modifications (on file in the Zoning Division)**
- **District Commissioner approve the building architecture**
- **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 February 17, 2015**

Land Use Permits

LUP-5 SHILOH HILLS CHRISTIAN SCHOOL (Shiloh Hills Baptist Church of Cobb County, owner) requesting a **Land Use Permit** for the purpose of an Educational Program in Land Lots 210 and 211 of the 16th District. Located on the south side of Hawkins Store Road and on the north side of I-575 (260 Hawkins Store Road). The Planning Commission recommended **approval** of LUP-5 for **24 months**, subject to:

- **Site plan received by the Zoning Division on December 1, 2014 (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 February 17, 2015**

LUP-6 DATHAN JOHNSON (Dathan Johnson and Marie Johnson, owners) requesting a **Land Use Permit** for the purpose of a Pet Dealer in Land Lots 769 and 770 of the 19th District. Located on the east side of Shadyside Road, north of Hurt Road (3319 Shadyside Road). The Planning Commission recommended **approval** of LUP-6 for **12 months**, subject to:

- **All deliveries of dogs shall be offsite, no customers on property**
- **Maximum of 15 dogs on the property**
- **Maximum of three litters per year**
- **Stormwater Management Division comments and recommendations, *not otherwise in conflict***
- **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing of February 17, 2015**

Special Land Use Permits

SLUP-2 INGA AUTO CENTER (Inga Auto Center, Inc. and Uladislao Inga, owners) requesting a **Special Land Use Permit** for the purpose of Used Auto Sales in Land Lots 211, 212, 221, and 222 of the 17th District. Located on the north side of Leader Road, west of South Cobb Drive (50 Leader Road). The Planning Commission recommended **approval** of SLUP-2, subject to:

- **Site plan received by the Zoning Division December, 4, 2014, with District Commissioner approving minor modifications (on file in the Zoning Division)**
- **Revised letter of agreeable conditions from Mr. Parks Huff dated January 28, 2015 (on file in the Zoning Division)**
- **Used vehicle sales and repair for this Applicant *only* (any other user to be approved by the Board of Commissioners)**
- **Parking lot trees and 35 foot landscape buffer adjacent to the apartment property to the north be installed per County standards and approved by the County Arborist at Plan Review**
- **No junk or inoperative vehicles on site**
- **No repossessed vehicles kept on site**
- **No outdoor storage (except for used vehicles)**
- **No parking or unloading vehicles in the right-of-way**
- **All vehicle repairs to be done inside building**
- **All exterior lighting to be designed to eliminate any stray light onto adjacent properties**
- **No outdoor speakers or pagers**
- **Fire Department comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Water and Sewer 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 February 17, 2015**