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# ZONING ANALYSIS

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## Planning Commission Public Hearing

December 1, 2015

## Board of Commissioners' Public Hearing

December 15, 2015

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

***COBB COUNTY BOARD OF COMMISSIONERS***

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

**Dana Johnson, 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–December 1, 2015**

**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-80**      **THE CHURCH OF PENTECOST U.S.A., INC.** (owner) requesting Rezoning from **NS, CF** and **GC** to **CRC** for the purpose of a Church in Land Lots 36 and 37 of the 17<sup>th</sup> District. Located on the southwest side of Mableton Parkway, south of Veterans Memorial Highway, and on the north side of Glore Circle (5606 Mableton Parkway; 728, 736 and 742 Glore Circle; and 827 Wood Valley Road). *(Continued by the Planning Commission from their September 1, 2015, October 6, 2015 and November 3, 2015 hearings)*
- Z-87**      **FUQUA ACQUISITIONS II, LLC** (Due to individual parcels, a complete list of titleholders is available in the Zoning Office) requesting rezoning from **R-30** and **R-20** to **NRC, RM-12** and **RSL** for the purpose of Residential, Senior Living and Retail in Land Lots 769 and 770 of the 17<sup>th</sup> District. Located on the west side of Spring Hill Parkway, north side of Paces Ferry Road, east of Spring Hill Road and on the southwest side of Simpson Road. *(Continued by Staff until the February 2, 2016 Planning Commission hearing; therefore, will not be considered at this hearing)*
- Z-95**      **RACETRAC PETROLEUM, INC.** (D I and G, LLC; The Estate of D.T. Hillhouse, Ina Faye Hillhouse Towe, Executrix, owners) requesting rezoning from **NRC** and **LI** to **NRC** for the purpose of a Convenience Market with Fuel Sales in Land Lot 157 of the 16<sup>th</sup> District. Located at the northeast intersection of Canton Road and Shallowford Road, and south side of Pine Mill Drive (4400 Canton Road and 1000 Pine Mill Drive). *(Continued by Staff from the November 3, 2015 Planning Commission hearing)*



## CONTINUED CASES – (CONTINUED)

**SLUP-9 SOUTHERNLINC WIRELESS** (Wildwood Baptist Church Inc. (owner) requesting a **Special Land Use Permit** for the purpose of a Telecommunications Facility in Land Lot 18 of the 20<sup>th</sup> District. Located on the west side of Wade Green Road, south of Clearview Drive (4801 Wade Green Road). *(Continued by Staff from the November 3, 2015 Planning Commission hearing)*

## REGULAR CASES --- NEW BUSINESS

### Rezoning

**Z-97 SUNSPRING LAND INVESTORS** (David B. Mizelle and Dana T. Mizelle, owners) requesting Rezoning from **R-20** to **R-15** for the purpose of a Subdivision in Land Lot 745, of the 16<sup>th</sup> District. Located on the east side of Old Canton Road, across from Porter Lane (1964 Old Canton Road).

**Z-98 COLUMBIA PROPERTIES CAPITAL, LLC** (Herbert A. Collins, as Trustee of the Herbert A. Collins Revocable Living Trust, owner) requesting Rezoning from **R-20** to **RSL** and **NRC** for the purpose of a Residential Senior Living (non-supportive) and Retail Shopping Center in Land Lots 330 and 331 of the 20<sup>th</sup> District. Located at the northwest intersection of Dallas Highway and Garrison Commons (2720, 2780 and 2782 Dallas Highway). *(Continued by Staff until the February 2, 2016 Planning Commission hearing; therefore, will not be considered at this hearing)*

**Z-99 RANDY P. WOLPIN** (Randy Wolpin, owner) requesting rezoning from **RSL** to **R-20** for the purpose of Single Family Residential in Land Lots 621 and 638 of the 19<sup>th</sup> District. Located on the southwest side of Bankstone Drive, north side of Horseshoe Bend Road (2790 Bankstone Drive, SW).

**REGULAR CASES --- NEW BUSINESS (Continued)**

- Z-100**      **JOSHUA AND LAUREN POWELL** (Joshua D. Powell and Lauren Powell, owners) requesting Rezoning from **R-20 with Stipulations** to **R-20 with Stipulations** for the purpose of amending the cemetery preservation stipulations from a previous zoning case in Land Lot 166 of the 1<sup>st</sup> District. Located on the west side of Heathermoor Hill Drive, north of Roswell Road (2225 Heathermoor Hill Drive).
- Z-101**      **KNOWLEDGE UNIVERSE EDUCATION, LLC** (KC Propco, LLC, owner ) requesting Rezoning from **NS** to **NRC** for the purpose of a Daycare Facility in Land Lot 694 of the 19<sup>th</sup> District. Located on the northwest side of Powder Springs Road, northeast of Horseshoe Bend Road (2380 Powder Springs Road).
- Z-102**      **GRIFFIN REAL ESTATE MANAGEMENT** (Kenneth F. Kline and Arlene L. Kline, owners) requesting Rezoning from **R-30** to **RSL** for the purpose of Residential Senior Living (Supportive) in Land Lot 195 of the 20<sup>th</sup> District. Located on the northwest side of Mars Hill Road, northeast of Brookstone Drive (1979 Mars Hill Road). *(Continued by Staff until the February 2, 2016 Planning Commission hearing; therefore, will not be considered at this hearing)*
- Z-103**      **MARC SIMMONS** (Kennesaw Mountain Business Park, LLC, owner) requesting Rezoning from **HI** to **HI with Stipulations** for the purpose of allowing an additional use of Commercial Indoor Recreation in Land Lot 940 of the 16<sup>th</sup> District. Located on the south side of Old 41 Highway, west side of Torras Drive, north side of Marble Mill Road (1349 Old 41 Highway, NW).
- Z-104**      **TYLER CHANDLER HOMES, LLC** (Estate of Thomas Eugene Holbrook, owner) requesting Rezoning from **R-20** to **RM-8** for the purpose of Attached Residential in Land Lot 209 of the 17<sup>th</sup> District. Located at the northeast corner of Sandtown Road and Osborne Road, and at the western terminus of Pair Street.

**REGULAR CASES --- NEW BUSINESS (Continued)**

- Z-105**      **EAH ACQUISITIONS, L.L.C.** (Due to individual parcels, a complete list of titleholders is available in the Zoning Office) requesting Rezoning from **R-30** to **RSL** for the purpose of Residential Senior Living (Non-Supportive) in Land Lots 758, 759, 826 and 827 of the 16<sup>th</sup> District. Located at the north intersection of Johnson Ferry Road and Bishop Lake Road.
- Z-106**      **CRP OAKMONT SKYLINE, II, L.L.C.** (Due to individual parcels, a complete list of titleholders is available in the Zoning Office) requesting Rezoning from **LI** and **R-20** to **LI** for the purpose of Office/Warehouse in Land Lots 609, 610, 683 and 684 of the 18<sup>th</sup> District. Located at the southeast intersection of Factory Shoals Road and Hartman Road. *(Continued by Staff until the February 2, 2016 Planning Commission hearing; therefore, will not be considered at this hearing)*
- Z-107**      **ZENAS COLLETT** (owner) requesting Rezoning from **IF** to **R-20** for the purpose of Single-Family Residence (Existing) in Land Lot 14 of the 16<sup>th</sup> District. Located at the southern terminus of Woodhaven Drive, south of Oakwoods Drive (701 Woodhaven Drive).

**Land Use Permits**

- LUP-35**      **JESSICA MOORE** (Julia Frost, owner) requesting a **Land Use Permit** for the purpose of a Daycare in Land Lot 411 of the 18<sup>th</sup> District. Located on the west side of Shenandoah Trail, south of Landmark Trail (7002 Shenandoah Trail).
- LUP-36**      **MARLENE GRAHAM AND CLENTON DAYES** (owners) requesting a **Land Use Permit** for the purpose of Increasing the Capacity From Six Residents To Ten Residents in Land Lot 561 of the 16<sup>th</sup> District. Located on the northeast side of Piedmont Road, northwest of Shaw Road (1371 Piedmont Road).

## **REGULAR CASES --- NEW BUSINESS (Continued)**

### **Special Land Use Permits**

- SLUP-11 BRILLIANT AUTOMOTIVE** (Nicolle Balsas and Sabrina Balsas, owners) requesting a **Special Land Use Permit** for the purpose of a Used Car Dealer in Land Lots 37 and 38 of the 17<sup>th</sup> District. Located at the northwest intersection of Veterans Memorial Highway and Lions Club Drive; and at the southwesterly intersection of Moss Drive and Lions Club Drive (700 Veterans Memorial Highway).
- SLUP-12 J.D.H. DEVELOPERS** (Akash Investment Group, Inc., owner) requesting a **Special Land Use Permit** for the purpose of a Suite Hotel in Land Lots 651 and 718 of the 16<sup>th</sup> District. Located at the southeastern terminus of Cobb Place Boulevard, on the northwest side of Greers Chapel Road, and on the west side of I-75 (750 and 760 Cobb Place Boulevard).
- SLUP-13 CHRISTA THOMAS** (Sue A. Hilton, as Trustee of the Sue A. Hilton Revocable Trust, owner) requesting a **Special Land Use Permit** for the purpose of a Private School in Land Lot 308 of the 19<sup>th</sup> District. Located at the southeast corner of Lost Mountain Road and Midway Road (1515 Lost Mountain Road).

### **OTHER BUSINESS CASE**

#### **ITEM OB-2**

Adoption of Resolution for establishment of dates, time, and place of the Planning Commission Zoning Hearings for 2016.

**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 Planning Commission**  
**Zoning Hearing Agenda**  
**December 1, 2015**  
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The exact description of the property sought to be rezoned is on file in the office of the Cobb County Community Development, Zoning Division, 1150 Powder Springs Street, Suite 400, Marietta, Georgia 30064 and available for inspection by interested citizens between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

Hearing on said petitions will be heard by the Cobb County Planning Commission at 9:00 a.m. on the prescribed hearing date. The public hearing will be held in the Second Floor Commissioners' Meeting Room, Cobb County Building, 100 Cherokee Street, Marietta, Georgia, 30090.

Anyone wishing to attend this public hearing may do so and be heard relative thereto. Any person wishing to speak before the Planning Commission must file a contribution disclosure statement if, and only if, the monetary contribution was made within two (2) years immediately preceding the filing of the rezoning request and the contribution aggregates to a sum total of \$250.00 or more.

This disclosure statement must be submitted to the Zoning Division Office by mail to P. O. Box 649, Marietta, Georgia 30061 or in person at 1150 Powder Springs Street, Suite 400, Marietta, Georgia 30064 within five (5) days before the public hearing.

Additionally, if you believe you need any special accommodations in order to attend these public hearings, please contact the County Clerk's Office at 770-528-3307 no later than 48 hours before the date of the above meeting.

**COBB COUNTY**  
**ZONING HEARING AGENDA**  
**Board of Commissioners–December 15, 2015**

*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-88**      **DUNCAN LAND INVESTMENTS, LLC** (David Bruce Gary, Martin Thomas Gary, and Forrest Owen Gary, owners) requesting Rezoning from **R-20** to **R-15/OSC** for the purpose of an Addition of Property to an Existing OSC Subdivision in Land Lots 307, 308, 341 and 342 of the 16<sup>th</sup> District. Located on the northeast corner of Blackwell Road and Carter Valley Drive. *(Continued by the Board of Commissioners from their October 20, 2015 hearing)*

**REGULAR CASES --- NEW BUSINESS**

**Rezoning**

**Z-80**      **THE CHURCH OF PENTECOST U.S.A., INC.** (owner) requesting Rezoning from **NS, CF** and **GC** to **CRC** for the purpose of a Church in Land Lots 36 and 37 of the 17<sup>th</sup> District. Located on the southwest side of Mableton Parkway, south of Veterans Memorial Highway, and on the north side of Glore Circle (5606 Mableton Parkway; 728, 736 and 742 Glore Circle; and 827 Wood Valley Road). *(Continued by the Planning Commission from their September 1, 2015, October 6, 2015 and November 3, 2015 hearings)*

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**SLUP-12**      **J.D.H. DEVELOPERS** (Akash Investment Group, Inc., owner) requesting a **Special Land Use Permit** for the purpose of a Suite Hotel in Land Lots 651 and 718 of the 16<sup>th</sup> District. Located at the southeastern terminus of Cobb Place Boulevard, on the northwest side of Greens Chapel Road, and on the west side of I-75 (750 and 760 Cobb Place Boulevard).

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### **HELD CASES**

**LUP-30 JOHN S. HYLE** (Barbara J. Hyle and John S. Hyle, owners) requesting a **Land Use Permit** for the purpose of Allowing More Vehicles than County Code Permits in Land Lot 789 of the 16<sup>th</sup> District. Located on the south side of McCook Way, east of McCook Circle (127 McCook Way). *(Held by the Board of Commissioners until their March 15, 2016 hearing; therefore, will not be considered at this hearing)*

### **OTHER BUISNESS CASES**

#### **ITEM OB-049**

To consider amending the site plan and stipulations for JLB Realty LLC regarding rezoning application Z-40 (D & A Investment Group LLC and Pereira Management LLC) of 2008, for property located on the north side of Paces Ferry Road, west of Overlook Parkway and on the south side of Bert Adams Road in Land Lot 885 of the 17<sup>th</sup> District. *(Previously continued by Staff from the November 17, 2015 Board of Commissioners hearing)*

#### **ITEM OB-050**

To consider amending the site plan and stipulations for Walton Riverbend, LLC regarding rezoning application Z-8 (Julian LeCraw and Co.) of 1999, for property located on the southeast side of Akers Mill Road and Powers Ferry Road, west of Riverbend Club Drive in Land Lots 1031, 1032, 1057, 1058, 1066 and 1067 of the 17<sup>th</sup> District. *(Previously continued by Staff from the November 17, 2015 Board of Commissioners hearing)*

**ITEM OB-052**

To consider a Settlement of Litigation for Cumberland Mall regarding Variance application V-105 (Jones Sign, LLC) of 2014, for property located on the easterly side of I-285, the southwesterly side of Cobb Parkway, the west side of Akers Mill Road, and the north side of Cumberland Boulevard in Land Lots 881, 882, 912, 913, 948 and 949 of the 17<sup>th</sup> District.

**ITEM OB-053**

To consider amending the stipulations for Cuellar Auto Repair regarding rezoning application Z-65 (Cuellar Auto Repair) of 2014, for property located on the southeast side of Atlanta Road, south of Darwin Road, in Land Lot 370 of the 17<sup>th</sup> District.

**ITEM OB-054**

To consider amending the site plan and stipulations for Brand Properties regarding rezoning application Z-45 (MCP-Ackerman Corporate Forum, LLC) of 2014, for property located on the southwest side of Circle 75 Parkway, south of Windy Hill Road, in Land Lots 850, 851, 876 and 877 of the 17<sup>th</sup> District.

**ITEM OB-055**

To consider amending the site plan and stipulations for Home Depot USA, Inc. regarding rezoning application Z-1 (Prentiss Properties Limited, Inc.) of 1990, for property located on the west side of Cumberland Parkway, on the west side of Mount Wilkinson Parkway and Cumberland Club Parkway, and on the north side of Bert Adams Road in Land Lots 842, 843, 884 and 885 of the 17<sup>th</sup> District.

**ITEM OB-056**

To consider amending the stipulations for Quiktrip Corporation regarding rezoning application Z-73 (Quiktrip Corporation) of 2015, for property located at the southeast intersection of Roswell Road and Old Canton Road, in Land Lot 963 of the 16<sup>th</sup> District.

**ITEM OB-057**

To consider amending the stipulations for Elite Auto Collision & Sales regarding rezoning application Z-175 of 1999 (Furniture World, Inc.), for property located on the south side of Veterans Memorial Highway, in Land Lots 46 and 71 of the 18<sup>th</sup> District.

**ITEM OB-058**

To consider amending the stipulations for St. Benedicts Episcopal Church, LLC regarding rezoning case Z-21 of 2008, Z-29 of 2012 and SLUP-9 of 2008 (St. Benedicts Episcopal Church, LLC) located in Land Lots 694 & 695 of the 17<sup>th</sup> District.

**ITEM OB-059**

To consider revising existing site plan for DRIFTEASTCOBB, Inc regarding rezoning case Z-118 of 1997 (Cousins Marketcenters, Inc.) located on the north side of Roswell Road, the north and east sides of Marwell Drive, and east of Johnson Ferry Road in Land Lot 16 of the 1<sup>st</sup> District and Land Lot 829 of the 16<sup>th</sup> District

**ITEM OB-060**

To consider granting a Special Exception for a reduction of public road frontage as recommended by the Board of Zoning Appeals from their November 11, 2015 Variance Hearing regarding Variance Application:

V-136          Michael and Loriann Thibodeaux

**ITEM OB-061**

To consider granting a Special Exception for a reduction of public road frontage as recommended by the Board of Zoning Appeals from their November 11, 2015 Variance Hearing regarding Variance Application:

V-150          AJAY North America, LLC

**ITEM OB-062**

To consider granting a Special Exception for a reduction of public road frontage as recommended by the Board of Zoning Appeals from their November 11, 2015 Variance Hearing regarding Variance Application:

V-159            J.D.H. DEVELOPERS

**ITEM OB-063**

To consider amending the site plan for John Saunders regarding rezoning application #167 (The Oxford Group, Inc.) of 1987, for property located on the north side of the East West Connector between Hospital South Drive and Brookwood Drive, and on the south side of Mulkey Road, east of Austell Road in Land Lots 920 and 921 of the 19<sup>th</sup> District.

**ITEM OB-064**

To consider amending the stipulations for 2671 Roswell Road, LLC regarding rezoning application Z-51 (Arrowhead Real Estate Partners, LLC) of 2012, for property located on the north side of Roswell Road, west of Robert Lane, in Land Lots 961, 984 and 985 of the 16<sup>th</sup> 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.”**

**Cobb County Board of Commissioners**  
**Zoning Hearing Agenda**  
**December 15, 2015**  
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The exact description of the property sought to be rezoned is on file in the office of the Cobb County Community Development, Zoning Division 1150 Powder Springs Street, Suite 400, Marietta, Georgia 30064 and available for inspection by interested citizens between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

Hearing on said petitions will be heard by the Board of Commissioners at 9:00 a.m. on the prescribed hearing date. The public hearing will be held in the Second Floor Commissioners' Meeting Room, Cobb County Building 100 Cherokee Street, Marietta, Georgia.

Anyone wishing to attend this public hearing may do so and be heard relative thereto. Any person wishing to speak before the Board of Commissioners must file a contribution disclosure statement if, and only if, the monetary contribution was made within two (2) years immediately preceding the filing of the rezoning request and the contribution aggregates to a sum total of \$250.00 or more. This disclosure statement must be submitted to the Zoning Division Office by mail to P. O. Box 649, Marietta, Georgia 30061 or in person at 1150 Powder Springs Street, Suite 400, Marietta, Georgia 30064 within five (5) days before the public hearing.

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