
ZONING ANALYSIS

Planning Commission Public Hearing

October 4, 2016

Board of Commissioners' Public Hearing

October 18, 2016

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–October 4, 2016

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-18** **POPE & LAND ENTERPRISES, INC.** (John M. Struhar, Jr., Edward K. Murphy and Denise D. Murphy, owners) requesting Rezoning from **RM-8** to **RRC** for the purpose of a Mixed Use Development in Land Lot 977, of the 17th District. Located on the easterly side of River Oaks Drive, north of Stillhouse Lane. *(Previously continued by Staff from the March 1, 2016, April 1, 2016, May 3, 2016, June 7, 2016, July 7, 2016, August 2, 2016, September 8, 2016 and October 4, 2016 Planning Commission hearings until the November 1, 2016 hearing)*
- Z-47** **PEBBLEBROOK DEVELOPMENT, LLC** (Evelyn Joyce Boatright, Kyle Wesley Boatright, ORION IMMOBILIEN, LLC and Jason Ashley Mauldin, Trustees of the Marital Trust B U/W of THOMAS ALEXANDER ELLIS, owners) requesting Rezoning from **R-20** and **R-80** to **R-15** for the purpose of a Residential Neighborhood in Land Lots 29, 30, 45, 46 and 47 of the 19th District. Located on the south side of Old Dallas Road, east of Villa Rica Way, and on the north end of Hickory Stick Lane (no address given). *(Previously continued by Staff from the June 7, 2016 and July 7, 2016 Planning Commission hearings; Held by the Planning Commission from the August 2, 2016 hearing; continued by Staff from the September 8, 2016 hearing)*
- Z-68** **CALATLANTIC GROUP, INC** (THE' TRUE VINE' EXPERIENCE FOUNDATION, INC, HANNA LAND COMPANY, INC, owners) requesting Rezoning from **R-20, LRO & NRC** to **RA-6** for the purpose of Townhomes and Single Family Residential in Land Lots 466, 467, 470 and 471 of the 16th District. Located on the south side of Shallowford Road, west side of Johnson Ferry Road, the east and west sides of Waterfront Drive and on the east side of Waterfront Circle (see file for addresses). *(Previously held by the Planning Commission from their September 8, 2016 hearing)*

- Z-77** **PAC GALLERIA 75, LLC** (BDG Galleria 75, LLC; North Decatur Square Partners, LLC; and Oxford Encore Apartments LLC, owners) requesting Rezoning from **OI** and **RRC** to **RRC** for the purpose of a Mixed-Use Development in Land Lot 1014 of the 17th District. Located on the east side of Cobb Galleria Parkway, north of Cumberland Boulevard and on the southwest side of I-75. *(Previously continued by Staff from the September 8, 2016 Planning Commission hearing)*
- Z-80** **FIRST CENTER, INC.** (First Center Inc., David Pearson, Elizabeth Pearson, Gettysburg Business Park LLC, owners) requesting Rezoning from **RA-6**, **R-15**, and **OS** to **RA-6** for the purpose of Residential in Land Lots 83 and 84 of the 16th District. Located at the southwest intersection of Shallowford Road and Jamerson Road, north side of Backwoods Court, and at the eastern terminus of Hart Drive (see zoning file for parcels). *Previously continued by the Planning Commission from their September 8, 2016 hearing)*
- Z-81** **JOHN OKOBOH** (John Okooboh, owner) requesting Rezoning from **R-20** to **FST** for the purpose of Townhomes in Land Lot 411 of the 18th District. Located on the east side of Shenandoah Trail, south of Hillcrest Drive (6837 Shenandoah Trail). *(Previously continued by Staff from the September 8, 2016 Planning Commission hearing)*
- Z-82** **GOLDEN ANCHOR BOAT STORAGE, LLC** (Tumlin Family Partnership LLLP, owners) requesting Rezoning from **R-20**, **R-30** and **GC** to **LI** for the purpose of Covered and Uncovered Secured Parking for Recreational Vehicles and Boats in Land Lot 40 of the 20th District. Located on the west side of Acworth Dallas Road, north of Dallas Acworth Highway (4321 Acworth Dallas Road). *(Previously continued by Staff from the September 8, 2016 Planning Commission hearing)*
- Z-86** **WINDSONG PROPERTIES, LLC** (See zoning file, owners) requesting Rezoning from **R-30** to **RSL** for the purpose of Residential Senior Living (non-supportive) in Land Lot 201 of the 20th District. Located at the northeast intersection of Stilesboro Road and Mack Dobbs Road. *(Continued by Staff until the November 1, 2016 Planning Commission hearing)*

- Z-91** **POLLACK SHORES DEVELOPMENT, LLC** (Genuine Parts Company, owner) requesting Rezoning from **OI** to **RRC** for the purpose of a Mixed Use Development in Land Lots 877 and 917 of the 17th District. Located on the easterly side of Herodian Way, in between Circle 75 Parkway and Crescent Park Drive. *(Continued by Staff until the November 1, 2016 Planning Commission hearing)*
- Z-93** **KAPLAN MORGAN VININGS DEVELOPMENT, LLC** (ADIC, Inc., successor by merger to XEBO Corporation, owner) requesting Rezoning from **CRC** to **RRC** for the purpose of Mixed Use Development in Land Lots 816, 817, 839 and 840 of the 17th District. Located at the southeast intersection of Cumberland Parkway and Paces Walk. *(Continued by Staff until the November 1, 2016 Planning Commission hearing)*

REGULAR CASES --- NEW BUSINESS

Rezoning

- Z-83** **COVENANT CHRISTIAN MINISTRIES, INC** (Covenant Christian Ministries, owner) requesting Rezoning from **GC** and **R-20** to **CRC** for the purpose of a Church and a Private School in Land Lots 838 and 865 of the 19th District. Located on the south side of Powder Springs Road, east of Sanders Road.
- Z-84** **JAMES C. LANE, JR.** (James C. Lane, Jr., owner) requesting Rezoning from **R-20** to **RA-5** for the purpose of a Subdivision in Land Lots 330 and 331 of the 16th District. Located at the northeast intersection of Fricks Road and Cochran Lake Road (3640 Cochran Lake Road).
- Z-85** **PARADISE GROUP, LLC** (Z and Y Corporation, owner) requesting Rezoning from **HI** to **GC** for the purpose of Retail in Land Lot 789 of the 19th District. Located on the north side of East West Connector, and on the southeast side of Powder Springs Road (2651 Powder Springs Road).

- Z-87** **PE-GEORGIA, LLC** (Earl's Pearls, LLC, owner) requesting Rezoning from **NRC with stipulations** to **NRC with stipulations** for the purpose of Medical Offices in Land Lot 216 of the 20th District. Located on the west side of Kennesaw Due West Road, and on the northeasterly side of Stilesboro Road (1595 Kennesaw Due West Road).
- Z-88** **MR. AND MRS. CHARLES ADEDOYIN** (Charles and Olajumoke Adedoyin, owners) requesting Rezoning from **R-20** and **R-30** to **R-20** for the purpose of a Residential Subdivision in Land Lots 230 and 289 of the 19th District. Located on the west side of Corner Road, south of Hayden Farms Drive.
- Z-89** **TRATON HOMES, LLC** (Donald I. Adams, owner) requesting Rezoning from **R-20** to **RM-8** for the purpose of Attached and Detached Residential in Land Lot 562 of the 17th District. Located on the south side of Belmont Ave, on the north side of Pierce Ave, on the east side of Reed Street, and on the west side of Davis Drive.
WITHDRAWN WITHOUT PREJUDICE
- Z-90** **PACES FERRY PARTNERS I, LLC** (3085 Paces Mill Associates, LLC, owners) requesting Rezoning from **LRO** to **RM-8** for the purpose of Residential Townhomes in Land Lot 952 of the 17th District. Located on the northwesterly side of Paces Mill Road, easterly of Paces Ferry Road (3085 Paces Mill Road).
- Z-92** **CORE5 INDUSTRIAL PARTNERS LLC, a DELAWARE LIMITED LIABILITY COMPANY** (See file for a complete list, owners) requesting Rezoning from **R-20** to **LI** for the purpose of an Office Warehouse in Land Lots 609, 610, 683 and 684 of the 18th District. Located on the south side of Hartman Road, and on the south side of Factory Shoals Road.

LAND USE PERMITS

- LUP-23** **MICHAEL WILGA** (Michael Wilga and Iris Wilga, owners) requesting a **Land Use Permit** for the purpose To Grow Produce to Sell in Land Lot 152 of the 16th District. Located on the west side of Lakeside Hills Way, northwest of Hawkins Store Road (4359 Lakeside Hills Way).
- LUP-24** **DEBORAH S. McGUIRE** (Deborah S. McGuire and James E. McGuire, owners) requesting a **Land Use Permit** for the purpose of Poultry (4 hens) on less than two acres in Land Lots 1191 and 1258 of the 16th District. Located on the south side of Lakeshore Drive, west of Blackland Drive (3725 Lakeshore Drive).
- LUP-25** **WILLIE ABERNATHY** (Willie Gene Abernathy, Donna Marie Jordan, and Mildred Sharlene Mahaffey, owners) requesting a **Land Use Permit (Renewal)** for the purpose of Allowing two houses on one lot in Land Lot 42 of the 18th District. Located on the north side of Lee Road, on the west side of Veterans Memorial Hwy (264 Lee Road).
- LUP-26** **GARFIELD McCOOK** (Garfield McCook, owner) requesting a **Land Use Permit** for the purpose of a Group Home up to 10 residents in Land Lot 222 of the 20th District. Located on the south side of Stilesboro Road, west of Allatoona Lane (4549 Stilesboro Road).
- LUP-27** **CHRISTINA DISSER** (Michael C. Disser and Christina Disser, owners) requesting a **Land Use Permit** for the purpose of Poultry on less than two acres in Land Lots 620 and 677 of the 16th District. Located on the south side of Mitchell Road, southwest side of Post Oak Tritt Road (2410 Mitchell Road).
- LUP-28** **OPEN ARMS GROUP HOME** (JAMES B. BARNES, and TERRI L. BARNES, owners) requesting a **Land Use Permit** for the purpose of a Group Home up to six residents in Land Lot 1272 of the 19th District. Located on the west side of Lindsey Drive, north of Jamestowne Court (4474 Lindsey Drive).

SPECIAL LAND USE PERMITS

SLUP-14 COVENANT CHRISTIAN MINISTRIES, INC (Covenant Christian Ministries, owner) requesting a **Special Land Use Permit** for the purpose of a Private School in Land Lots 838 and 865 of the 19th District. Located on the south side intersection of Powder Springs Road east of Sanders Road (2951 Powder Springs Road).

OTHER BUSINESS #6

Consider a recommendation to the Board of Commissioners regarding Code Amendments for Section 134 of the Cobb County Code.

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.”

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–October 18, 2016

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 OR HELD CASES BY PLANNING COMMISSION, BOARD OF COMMISSIONERS OR STAFF (TO BE HEARD)

Rezoning

- Z-47** **PEBBLEBROOK DEVELOPMENT, LLC** (Evelyn Joyce Boatright, Kyle Wesley Boatright, ORION IMMOBILIEN, LLC and Jason Ashley Mauldin, Trustees of the Marital Trust B U/W of THOMAS ALEXANDER ELLIS, owners) requesting Rezoning from **R-20** and **R-80** to **R-15** for the purpose of a Residential Neighborhood in Land Lots 29, 30, 45, 46 and 47 of the 19th District. Located on the south side of Old Dallas Road, east of Villa Rica Way, and on the north end of Hickory Stick Lane. *(Continued by Staff from the June 7, 2016, and July 7, 2016 Planning Commission hearings; Continued by staff from the September 8, 2016 hearing)*
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- Z-72** **AKEEM AKANGI** (William Derek Duke and Jennifer D. Sibley; George W. Thompson Jr.; Truman Travis, owners) requesting Rezoning from **GC** and **NS** to **CRC** for the purpose of truck rental in Land Lot 1300 of the 19th District and Land Lot 33 of the 18th District. Located on the south side of Veterans Memorial Highway, and on the north side of South Gordon Road (1605, 1608, & 1621 Veterans Memorial Hwy). *(Continued by the Board of Commissioners from the September 20, 2016 hearing).*

- Z-75** **WINDSONG PROPERTIES, LLC** (Clarence Luther McConnell, Jr.; Gayle L. Norton, a/k/a/ Gayle L. Richards, owners) requesting Rezoning from **R-30** to **RSL** for the purpose of Residential Senior Living (non-supportive) in Land Lots 139, 140, & 157 of the 19th District. Located on the northwest corner of Lost Mountain Road and Corner Road, on the east side of McConnell Road, and on the north side of Pickens Road. *(Continued by the Board of Commissioners from the September 20, 2016 hearing).*
- Z-77** **PAC GALLERIA 75, LLC** (BDG Galleria 75, LLC; North Decatur Square Partners, LLC; and Oxford Encore Apartments LLC, owners) requesting Rezoning from **OI** and **RRC** to **RRC** for the purpose of a Mixed-Use Development in Land Lot 1014 of the 17th District. Located on the east side of Cobb Galleria Parkway, north of Cumberland Boulevard and on the southwest side of I-75. *(Continued by Staff from the September 8, 2016 Planning Commission hearing)*
- Z-78** **VANQUISH PROPERTY PARTNERS, LLC** (Rebecca A. Morris, 5130 Maner Road, S.E., LLC and 2483 Maner Road Family Land Trust, Larry Ridgeway as Trustee, owners) requesting Rezoning from **R-20** and **LI** to **RM-8** for the purpose of Attached Residential in Land Lot 825 of the 17th District. Located on the northwesterly side of Maner Road, south of Plant Atkinson Road. *(Continued by the Board of Commissioners from the September 20, 2016 hearing).*
- Z-80** **FIRST CENTER, INC.** (First Center Inc., David Pearson, Elizabeth Pearson, Gettysburg Business Park LLC, owners) requesting Rezoning from **RA-6**, **R-15**, and **OS** to **RA-6** for the purpose of Residential in Land Lots 83 and 84 of the 16th District. Located at the southwest intersection of Shallowford Road and Jamerson Road, north side of Backwoods Court, and at the eastern terminus of Hart Drive (see zoning file for parcels). *(Continued by the Planning Commission from the September 8, 2016 Planning Commission hearing)*

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- SLUP-13** **JOHNSON DEVELOPMENT ASSOCIATES, INC.** (Dew Holdings, LLC, owner) requesting a **Special Land Use Permit** for the purpose of a Climate Controlled Self-Service Storage Facility in Land Lot 763 of the 17th District. Located on the west side of Atlanta Road, south of Brownwood Lane on the east side of I-285 (4676 Atlanta Road). *(Continued by the Board of Commissioners from the September 20, 2016 hearing).*

CONTINUED OR HELD CASES BY PLANNING COMMISSION, BOARD OF COMMISSIONERS OR STAFF (NOT TO BE HEARD)

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OTHER BUSINESS CASES

ITEM OB-053

To consider a site plan and stipulation amendment for Grayco Partners, LLC regarding rezoning application Z-8 of 2012 (Pope & Land Enterprises, Inc.), for property located at the southeast intersection of Cumberland Boulevard and Stillhouse Lane in Land Lot 949 of the 17th District. *(Continued by Staff until the October 18, 2016 Board of Commissioners hearing)*

ITEM OB-060

To consider a stipulation amendment and site plan amendment for Feroz Ali regarding rezoning application Z-159 of 2003 (HRS, INC.), for property located on the east side of Powers Ferry Road, south of Terrell Mill Road, in Land Lots 923 and 938 of the 17th District (1445 Powers Ferry Road).

ITEM OB-061

To consider a stipulation amendment and site plan amendment for Nicole Kelly regarding rezoning application Z-67 of 2013 (Church Office Partners, LLC), for property located at the northwest intersection of Church Road and North Church Lane, in Land Lot 824 of the 17th District (2445 Church Road).

ITEM OB-062

To consider a stipulation amendment for Charter Senior Living of Marietta, LLC regarding rezoning application Z-91 of 1996 (Courtyard Management), for property located on the east side of LeCroy Drive, east of Roswell Road in Land Lot 1030 of the 16th District (840 LeCroy Drive).

ITEM OB-063

To consider a stipulation amendment and site plan amendment for Meritage Homes of Georgia, Inc. regarding rezoning application Z-81 of 2006 (Weaver & Woodbury Company), for property located on the south side of Wisteria Drive, and on the west side of Floyd Drive, in Land Lot 1001 of the 19th District.

ITEM OB-064

To consider granting a Special Exception for a reduction of public road frontage as recommended by the Board of Zoning Appeals from their September 14, 2016 Variance Hearing regarding Variance Application V-116 Alvin G. Raines.

ITEM OB-065

To consider granting a Special Exception for a reduction of public road frontage and lot size as recommended by the Board of Zoning Appeals from their September 14, 2016 Variance Hearing regarding Variance Application V-126 Angela Melonie Conn Haders.

ITEM OB-066

To consider granting a Special Exception for a reduction of public road frontage and lot size as recommended by the Board of Zoning Appeals from their September 14, 2016 Variance Hearing regarding Variance Application V-127 Ryan Monette.

ITEM OB-067

To consider House Moving application HM-1-16 for M.J. Loudermilk regarding a house to be moved to 4637 Backwoods Court, in Land Lot 133 of the 16th District, which is currently located at 481 Piedmont Road in Land Lot 586 of the 16th 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.”

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