
ZONING ANALYSIS

Planning Commission Public Hearing

November 1, 2016

Board of Commissioners' Public Hearing

November 15, 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–November 1, 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, October 4, 2016 and November 1, 2016 Planning Commission hearings until the December 6, 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 staff from the September 8, 2016 hearing and continued by the Planning Commission from the October 4, 2016 Planning Commission hearing)*
- 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. *(Continued by the Planning Commission from the October 4, 2016 Planning Commission hearing)*

- 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. *(Held by the Planning Commission from the October 4, 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 from the October 4, 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 from the October 4, 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 December 6, 2016 Planning Commission hearing)*
- 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. *(Continued by Staff from the October 4, 2016 Planning Commission hearing)*

REGULAR CASES --- NEW BUSINESS

Rezoning

- Z-94** **JLM INVESTMENT GROUP** (The Estate of James G. Hindman, owner) requesting Rezoning from **R-20** to **RA-5** for the purpose of a Subdivision in Land Lot 70 of the 1st District. Located on the east side of Woodlawn Drive, south of Lower Roswell Road.
- Z-95** **CARROLL & CARROLL PROPERTIES** (Carroll & Carroll Properties, owner) requesting Rezoning from **OI** to **OS** for the purpose of a Warehouse in Land Lot 278 of the 16th District. Located on the west side of Canton Road, north of Kensington Drive.
- Z-96** **COBB COUNTY BOARD OF COMMISSIONERS** (Cobb County Board of Commissioners, owner) requesting Rezoning from **NS** to **NRC** for the purpose of Retail, Office, and/or Restaurant in Land Lot 14 of the 17th District. Located at the southwest intersection of Austell Road and Wanda Circle, north of Windy Hill Road.
- Z-97** **ROYAL RESIDENTIAL, INC** (Wilma J. Layton, owner) requesting Rezoning from **R-20** to **RA-5** for the purpose of a Subdivision in Land Lot 962 of the 16th District. Located at the northwest intersection of Roswell Road and Vester Drive.
- Z-98** **SHOWCASE REAL ESTATE DEVELOPMENT, LLC** (4012 STEINHAUER ROAD, LLC and John Maddox, owners) requesting Rezoning from **R-20** to **R-15/OSC** for the purpose of a Subdivision in Land Lot 265 of the 16th District. Located on the east side of Steinhauer Road and on the north side of Pete Shaw Road.

- Z-99** **CH REALTY VI/R ATLANTA TOWNPARK, LLC.** (CH Realty VI/R Atlanta Townpark, LLC., owners) requesting Rezoning from **UVC** to **UVC** for the purpose of a Stipulation Amendment Adding a Use in Land Lots 362 and 363 of the 16th District. Located at the northeastern intersection of Chastain Road and George Busbee Parkway.
- Z-100** **TPA ACQUISITIONS, LLC** (TPA Acquisitions I, LLC, owner) requesting Rezoning from **R-20** to **OI** for the purpose of Offices in Land Lots 284 and 285 of the 16th District. Located at the intersection of the westerly side of Bells Ferry Road with the southerly side of Interstate 575. **WITHDRAWN WITHOUT PREJUDICE**
- Z-101** **PROVINCE HOMES, LLC** (The Estate of Clyde H. Kemp, JR. and The Estate of Carolyn L. Ellis Kemp, owners) requesting Rezoning from **R-30** to **R-20/OSC** for the purpose of Single-family Residential in Land Lots 273 and 274 of the 20th District. Located on the southwest side of Burnt Hickory Road, west of Acworth-Due West Road.
- Z-102** **RIVERVIEW ASSOCIATES, LTD.** (Riverview Associates, Ltd., owner) requesting Rezoning from **RRC with stipulations** to **RRC with stipulations** for the purpose of a Mixed Use Development in Land Lots 976, 977, 1016 and 1017 of the 17th District. Located at the northwesterly intersection of Cobb Parkway (U.S. Highway 41) and Paces Mill Road.

LAND USE PERMITS

- LUP-29** **SM LIVING, LLC** (Richard R. Kuhne, owner) requesting a **Land Use Permit** for the purpose of allowing 8 residents in a group home in Land Lot 94 of the 20th District. Located on the southeast corner of Creekwood Crossing and Shiloh Trail East (3824 Creekwood Crossing).
- LUP-30** **SM LIVING, LLC** (SML-GE Real Estate, LLC, owner) requesting a **Land Use Permit** for the purpose of allowing 8 residents in a group home in Land Lot 94 of the 20th District. Located on the north side of Shiloh Trail East, east of Creekwood Crossing (1318 Shiloh Trail East).
- LUP-31** **SM LIVING, LLC** (Gregory Chancy, owner) requesting a **Land Use Permit** for the purpose of allowing 8 residents in a group home in Land Lot 94 of the 20th District. Located on the south side of Shiloh Trail East, east of Creekwood Crossing (1323 Shiloh Trail East).
- LUP-32** **SM LIVING, LLC** (SML-GE Real Estate, LLC, owner) requesting a **Land Use Permit** for the purpose of allowing 8 residents in a group home in Land Lot 94 of the 20th District. Located on the north side of Shiloh Trail East, east of Creekwood Crossing (1322 Shiloh Trail East).
- LUP-33** **SM LIVING, LLC** (Gregory Chancy, owner) requesting a **Land Use Permit** for the purpose of allowing 8 residents in a group home in Land Lots 60 and 93 of the 20th District. Located on the northeast side of Shiloh Trail East, west of Club Drive (1398 Shiloh Trail East).
- LUP-34** **SARAH WELLS** (Ralph O. Wells and Sarah C. Wells, owners) requesting a **Land Use Permit (Renewal)** for the purpose of allowing more related adults than permitted by code in Land Lot 705 of the 19th District. Located on the south side of Pair Road, east of Austell Road (1101 Pair Road).

SPECIAL LAND USE PERMITS

SLUP-15 C.W. MATTHEWS CONTRACTING COMPANY, INC. (CWM Contracting Co., Inc. owner) requesting a **Special Land Use Permit** for the purpose of an Asphalt Batch Plant (existing) in Land Lot 964 of the 17th District. Located on the west side of South Atlanta Road, on the north side of Chattahoochee River.

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–November 15, 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-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 continued by Staff from the September 8, 2016 Planning Commission hearing; Held by the Planning Commission from their October 4, 2016 hearing and continued by staff until the November 15, 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. *(Previously continued by the Board of Commissioners from the September 20, 2016 and October 18, 2016 hearings).*

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 the September 8, 2016 and October 4, 2016 Planning Commission 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 until the November 15, 2016 Board of Commissioners 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; Held by the Board of Commissioners from the October 18, 2016 hearing)*
- 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). *(Previously continued by the Planning Commission from the October 4, 2016 Planning Commission hearing)*
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- 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). *(Previously continued by the Board of Commissioners from the October 18, 2016 hearing)*

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SPECIAL LAND USE PERMITS

SLUP-15 **C.W. MATTHEWS CONTRACTING COMPANY, INC.** (CWM Contracting Co., Inc. owner) requesting a **Special Land Use Permit** for the purpose of an existing Asphalt Batch Plant in Land Lot 964 of the 17th District. Located on the west side of South Atlanta Road, on the north side of Chattahoochee River.

OTHER BUSINESS CASES

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). *(Previously continued by Staff from the October 18, 2016 Board of Commissioners hearing)*

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. *(Previously continued by the Board of Commissioners from the October 18, 2016 Board of Commissioners hearing)*

ITEM OB-068

To consider a Settlement of Litigation for Municipal Communications, LLC regarding Special Land Use Permit application SLUP-9 (Municipal Communications, LLC) of 2015, for property located on the west side of Wade Green Road, south of Clearview Drive in Land Lot 18 of the 20th District (4801 Wade Green Road).

ITEM OB-069

To consider granting a Special Exception for a reduction of lot size as recommended by the Board of Zoning Appeals from their October 12, 2016 Variance Hearing regarding Variance Application V-143 Elbert Griffin and Heidi Griffin (3820 Hillcrest Drive)

ITEM OB-070

To consider a stipulation amendment for Greenhouse Properties of Atlanta, LLC regarding rezoning application Z-6 of 2016 (Greenhouse Properties of Atlanta, LLC), for property located on the north side of Lee Road, west of Atlanta Road, in Land Lot 696 of the 17th District (2019 and 2039 Lee Road).

ITEM OB-071

To consider a stipulation amendment and site plan amendment for W&H Properties, LLC regarding rezoning application Z-39 of 2004 (Traton Corp. and W&H Properties, LLC), for property located on the east side of Felton Hill Road, north of the East West Connector, in Land Lot 48 of the 17th District.

ITEM OB-072

To consider a stipulation amendment and site plan amendment for Racetrac Petroleum, Inc. regarding rezoning application Z-53 of 1999 (Metropolitan Foods, Inc.), for property located on the west side of Austell Road, south of Anderson Mill Road, in Land Lots 1006 and 1007 of the 19th District (4414 Austell Road).

ITEM OB-073

To consider a stipulation amendment and site plan amendment for The Pacific Group, Inc. regarding rezoning application Z-6 of 2013 (Brooks Chadwick Capital, LLC), for property located on the east side of Johnson Ferry Road, north of Riverhill Road, in Land Lot 84 of the 1st District.

ITEM OB-074

To consider a stipulation amendment for MCRT Investments, LLC regarding rezoning application Z-60 of 2015 (MCRT Investments, LLC), for property located on the north side of Cumberland Boulevard, east of Akers Mill Road, in Land Lots 949 and 978 of the 17th District.

ITEM OB-075

To consider a stipulation amendment and site plan amendment for Passion City Church, Inc. regarding rezoning application Z-1 of 1990 and Z-48 of 2008 (Prentiss Properties Limited, Inc. and Shi Investments Three, LLC), for property located on the west side of Cumberland Parkway, on the east side of I-285, and on the south side of Mount Wilkinson Parkway in Land Lots 842, 843 and 884 of the 17th District.

ITEM OB-076

To consider a stipulation amendment and site plan amendment for Greenstone Ventures, Inc. regarding rezoning application Z-34 of 2007 (Grove Street Partners, LLC), for property located on the east side of Cobb Galleria Parkway and on the western side of I-75, in Land Lots 980, 1013 and 1014 of the 17th District.

Notice: The Cobb County Board of Commissioners will consider a motion to rescind the rezoning action taken on Z-35 of 2016 at the September 20, 2016 Board of Commissioners Zoning Hearing. If the motion to rescind is approved, then the Board of Commissioners will consider a new motion for rezoning case Z-35 of 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.”

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 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, 30090.

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.

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.