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# ZONING ANALYSIS

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## Planning Commission Public Hearing

March 7, 2017

Hearing Copy

## Board of Commissioners' Public Hearing

March 21, 2017

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

***COBB COUNTY BOARD OF COMMISSIONERS***

**Mike Boyce, Chairman**  
**Bob Weatherford, District 1**  
**Bob Ott, District 2**  
**JoAnn Birrell, District 3**  
**Lisa Cupid, District 4**

***COUNTY MANAGER***

**David Hankerson**

***COBB COUNTY PLANNING COMMISSION***

**Galt Porter**  
**Skip Gunther**  
**Mike Terry**  
**Thea Powell**  
**Judy Williams**

***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–March 7, 2017**

**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<sup>'16</sup>**      **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 17<sup>th</sup> District. Located on the easterly side of River Oaks Drive, north of Stillhouse Lane. *(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, November 1, 2016, December 6, 2016, February 7, 2017 Planning Commission hearings until the April 4, 2017 Planning Commission hearing)*
- Z-97<sup>'16</sup>**      **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 16<sup>th</sup> District. Located at the northwest intersection of Roswell Road and Vester Drive. *(Previously continued by the Planning Commission from their November 1, 2016, December 6, 2016 and February 7, 2017 hearings until the March 7, 2017 Planning Commission hearing)*
- Z-111<sup>'16</sup>**      **RSDC1, LLC** (Brian Carter, Mildred R. Lampley, William E. Rolader and Mary L. Rolader, Jason E. Carter and William E. Rolader as Executor of the Estate of Annie I. Rolader, owners) requesting Rezoning from **R-20** to **RA-5** for the purpose of a Residential Subdivision in Land Lot 400 of the 16<sup>th</sup> District. Located on the north side of Shallowford Road, east of Lassiter Road. *(Previously held by the Planning Commission from their December 6, 2016 and February 7, 2017 Planning Commission hearings until the March 7, 2017 Planning Commission hearing)*



- Z-112**<sup>'16</sup>     **DUNCAN LAND INVESTMENTS, LLC** (Duncan Land Investments, LLC, owner) requesting Rezoning from **R-20** to **R-15** for the purpose of a Residential Subdivision in Land Lot 308 of the 16<sup>th</sup> District. Located on the western side of Blackwell Road at Blackwell Place, and on the southern side of North Woods Drive. *(Previously continued by Staff from the December 6, 2016, February 7, 2017 and March 7, 2017 Planning Commission hearings until the April 4, 2017 Planning Commission hearing)*
- Z-113**<sup>'16</sup>     **HABITAT FOR HUMANITY OF NORTHWEST METRO ATLANTA, INC.** (Habitat for Humanity of Northwest Metro Atlanta, Inc., and Cobb County Habitat for Humanity, Inc., owners) requesting Rezoning from **R-20** to **RA-5** for the purpose of a Residential Subdivision in Land Lots 494 and 495 of the 18<sup>th</sup> District. Located on the southwest side of Hillcrest Drive at Brumley Cove Drive, and on the east and south sides of Ridgefield Drive. *(Previously held by the Planning Commission from their December 6, 2016 and February 7, 2017 hearings until the March 7, 2017 Planning Commission hearing)*
- Z-114**<sup>'16</sup>     **CAPKEY REAL ESTATE ADVISORS** (See file for list of titleholders, owners) requesting Rezoning from **R-30** to **R-20 OSC** for the purpose of a Residential Subdivision in Land Lot 335 of the 20<sup>th</sup> District. Located on the north side of Dallas Highway, on the east side of County Road, and on the west side of Bob Fleming Road. *(Previously continued by staff until the February 7, 2017 planning Commission hearing and held by the Planning Commission until their March 7, 2017 hearing)*
- Z-5**           **JOSHUA POWELL, SR. 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 in Land Lot 166 of the 1<sup>st</sup> District. Located on the west side of Heathermoor Hill Drive, north of Roswell Road. *(Previously continued by Staff from the February 7, 2017 Planning Commission hearing until the March 7, 2017 Planning Commission hearing)*

**Z-7**            **POLLACK SHORES REAL ESTATE GROUP, LLC** (Nancy Teem Benton; L.O. Benton, III, Trustee, 1019174 Trust; Lurner O. Benton, III, F&M Profit Sharing Plan; R. Linton Jordan; and J.S. Blackwell, Jr., owners) requesting Rezoning from **CRC** to **UC** for the purpose of a Multi-Family Residence in Land Lot 643 of the 16<sup>th</sup> District. Located on the south side of Ernest Barrett Parkway, east and west sides of Barrett Creek Boulevard; on the south side of Barrett Creek Parkway. *(Previously continued by the Planning Commission from their February 7, 2017 hearing until the March 7, 2017 Planning Commission hearing)*

**LUP-2**        **LIVING HOPE LUTHERAN CHURCH** (Living Hope Lutheran Church, Inc., owners) requesting a **Land Use Permit** for the purpose of an Early Childhood Learning Center in Land Lot 201 of the 20<sup>th</sup> District. Located on the northwest corner of Stilesboro Road and Mack Dobbs Road. *(Previously continued by Staff from the February 7, 2017 Planning Commission hearing until the March 7, 2017 Planning Commission hearing)*

## **REGULAR CASES --- NEW BUSINESS**

### **Rezoning**

**Z-9**            **PARAN HOMES** (Glover Allen Smith and Shirley Moore Smith, owners) requesting Rezoning from **R-30** to **R-20 OSC** for the purpose of a Residential Subdivision in Land Lots 378 and 379 of the 19<sup>th</sup> District. Located on the east and west sides of Corner Road and south of Wright Road.

- Z-10**      **PRIME SENIOR LIVING GROUP, LLC** (Gerald Gordon Key, aka Jerry Key, Larry Steven Key, Jill Corbett, fka Jill D. Key, owners) requesting Rezoning from **R-80** to **RSL (Supportive)** for the purpose of Supportive Senior Living in Land Lot 225 of the 20<sup>th</sup> District. Located on the west side of Mars Hill Road, north of Burnt Hickory Road.
- Z-11**      **LOYD DEVELOPMENT SERVICES** (Kenneth E. Jenkins, owner) requesting Rezoning from **R-20** to **RA-5** for the purpose of a Single-Family Detached Subdivision in Land Lot 131 of the 16<sup>th</sup> District. Located on the southeast side of Lee Waters Road (at its terminus), south of Jamerson Road.
- Z-12**      **SSP BLUE RIDGE, LLC** (Multiple titleholders on file in the Zoning Division) requesting Rezoning from **GC, NS, R-20 & R-80** to **CRC** and **RM-12** for the purpose of a Mix of Retail, Commercial and Townhomes in Land Lots 923 and 924 of the 17<sup>th</sup> District. Located on the northwest side of Terrell Mill Road, west side of Powers Ferry Road. *(Continued by Staff until the April 4, 2017 Planning Commission hearing)*

### **LAND USE PERMITS**

- LUP-3**      **CLAUDIA SISTO** (Claudia M. Sisto, owner) requesting a **Land Use Permit** for the purpose of Chickens on less than 2 acres in Land Lot 484 of the 19<sup>th</sup> District. Located on the northeast side of Greenridge Drive, north of Glynn Oaks Drive, abutting the south side of Windy Hill Road. *(Continued by Staff until the April 4, 2017 Planning Commission hearing)*

## **SPECIAL LAND USE PERMITS**

- SLUP-2 STORAGE DEVELOPMENT GROUP** (J.C.-E.T. ( MONROE), L.L.C., owner) requesting a **Special Land Use Permit** for the purpose of a Freestanding Climate Controlled Self-Storage Facility in Land Lots 211 and 212 of the 16<sup>th</sup> District. Located on the east side of Bells Ferry Road, north of I-575.
- SLUP-3 JOHNSON FERRY BAPTIST CHURCH, INC.** (Johnson Ferry Baptist Church, Inc., owner) requesting a **Special Land Use Permit** for the purpose of a Private School in Land Lots 67 and 68 of the 1<sup>st</sup> District. Located on the west side of Johnson Ferry Road, east side of Woodlawn Drive, north of Lower Roswell Road.
- SLUP-4 PERRIN PROPERTIES, INC.** (Tidwell Barrett Lakes, LLC, owner) requesting a **Special Land Use Permit** for the purpose of Sales and Parking of New and Used Vehicles in Land Lot 172 of the 20<sup>th</sup> District. Located on the southwest corner of Cobb Place Boulevard and Barrett Lakes Boulevard. **WITHDRAWN WITHOUT PREJUDICE**

## **OTHER BUSINESS**

### **OTHER BUSINESS #2**

Consider a recommendation to the Board of Commissioners regarding the 2017 Code Amendments for Section 134 of the Cobb County Code.

### **OSC-17-02**

To consider approval of an R-20 Open Space Community Overlay application for W&H Investments, LLC, regarding Application OSC 17-02 filed December 6, 2016, for property located on the west side of Mount Calvary Road, north of Dallas Highway in Land Lot 328 of the 20<sup>th</sup> District and Land Lot 30 of the 19<sup>th</sup> District. *(Previously continued by Staff from the February 7, 2017 Planning Commission hearing until the March 7, 2017 Planning Commission 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.”**

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–March 21, 2017**

**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-93<sup>'16</sup>**      **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 17<sup>th</sup> District. Located at the southeast intersection of Cumberland Parkway and Paces Walk. *(Previously continued by Staff from the December 6, 2016 Planning Commission hearing until the February 7, 2017 Planning Commission hearing, and continued by staff until the March 21, 2017 Board of Commissioners hearing)*
- Z-97<sup>'16</sup>**      **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 16<sup>th</sup> District. Located at the northwest intersection of Roswell Road and Vester Drive. *(Previously continued by the Planning Commission from their November 1, 2016 hearing; held from the December 6, 2016 Planning Commission hearing until the February 7, 2017 hearing; Continued by staff until the March 7, 2017 Planning Commission hearing)*
- Z-111<sup>'16</sup>**      **RSDC1, LLC** (Brian Carter, Mildred Lampley, Mary L. Rolader, and William Rolader, owners) requesting Rezoning from **R-20** to **RA-5** for the purpose of a Residential subdivision in Land Lot 400 of the 16<sup>th</sup> District. Located on the north side of Shallowford Road, east of Lassiter Road. *(Previously held by the Planning Commission from the December 20, 2016 hearing and continued from February 7, 2017 Planning Commission hearing until the March 7, 2017 Planning Commission hearing)*

- Z-113<sup>16</sup>**     **HABITAT FOR HUMANITY OF NORTHWEST METRO ATLANTA, INC.** (Habitat for Humanity of Northwest Metro Atlanta, Inc, owner) requesting Rezoning from **R-20** to **RA-5** for the purpose of a Residential subdivision in Land Lots 494 and 495 of the 18<sup>th</sup> District. Located on the southwest side of Hillcrest Drive at Brumley Cove Drive, and on the east and south sides of Ridgefield *(Previously held by the Planning Commission until the February 7, 2017 Planning Commission hearing and continued by the Planning Commission until the March 7, 2017 hearing)*
- Z-114<sup>16</sup>**     **CAPKEY REAL ESTATE ADVISORS** (See file for list of titleholders, owners) requesting Rezoning from **R-30** to **R-20 OSC** for the purpose of a Residential subdivision in Land Lot 335 of the 20<sup>th</sup> District. Located on the north side of Dallas Highway, on the east side of County Road, and on the west side of Bob Fleming Road. *(Previously continued by Staff from the November 1, 2016 and December 6, 2016 Planning Commission hearings; Held by the Planning Commission until the March 7, 2016 hearing)*
- Z-116<sup>16</sup>**     **ST. CLAIR HOLDINGS, LLC** (Multiple titleholders indicated on Rezoning Application, owners) requesting Rezoning from **R-30** to **RSL** for the purpose of Non-supportive Senior Living in Land Lots 758, 759, 826 and 827 of the 16<sup>th</sup> District. Located at the northern intersection of Johnson Ferry Road and Bishop Lake Road. *(Previously continued by the Board of Commissioners until the February 21, 2017 hearing; continued by staff until the March 21, 2017 hearing)*
- Z-117<sup>16</sup>**     **HICKS BUSINESS ENTERPRISES, LLC** (The Estate of Freeman Alexander Moon, owner) requesting Rezoning from **R-20** to **RM-8** for the purpose of Single-Family Residential in Land Lots 784 and 785 of the 19<sup>th</sup> District. Located on the south side of Hurt Road, east of Tramore Park. *(Previously continued by the Planning Commission until the February 7, 2017 Planning Commission hearing and continued by the Board of Commissioners until their March 21, 2017 hearing)*
- Z-119<sup>16</sup>**     **MAYWEATHER ENTERPRISE** (Winston Property Ventures, LLC, owner) requesting Rezoning from **GC and R-20** to **NRC** for the purpose of a Convenience Store with a Fuel Station in Land Lot 85 of the 17<sup>th</sup> District. Located on the southwest intersection of Pat Mell Road and Lorene Drive. *(Previously continued by staff until the March 21, 2017 Board of Commissioners hearing)*

**Z-1<sup>'17</sup>**      **JACKI PAYNE** (Jackie Payne, owner) requesting Rezoning from **R-30** to **LI** for the purpose of A Warehouse with an Office in Land Lot 1051 of the 19<sup>th</sup> District. Located on the south side of Oglesby Road, east of Lewis Road. *(Previously continued by the Board of Commissioners from the February 21, 2017 hearing until the March 21, 2017 hearing)*

**Z-5<sup>'17</sup>**      **JOSHUA POWELL, SR. 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 in Land Lot 166 of the 1<sup>st</sup> District. Located on the west side of Heathermoor Hill Drive, north of Roswell Road. *(Previously continued by staff until the March 7, 2017 Planning Commission hearing)*

**Z-7<sup>'17</sup>**      **POLLACK SHORES REAL ESTATE GROUP, LLC** (Nancy Teem Benton; L.O. Benton, III, Trustee, 1019174 Trust; Lurner O. Benton, III, F&M Profit Sharing Plan; R. Linton Jordan; and J.S. Blackwell, Jr., owner) requesting Rezoning from **CRC** to **UC** for the purpose of a Multi-Family Residence in Land Lot 643 of the 16<sup>th</sup> District. Located on the south side of Ernest Barrett Parkway, east and west sides of Barrett Creek Boulevard; on the south side of Barrett Creek Parkway. *(Previously held by the Planning Commission until the March 7, 2017 Planning Commission hearing)*

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

**Z-18<sup>'16</sup>**      **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 17<sup>th</sup> 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, November 1, 2016, December 6, 2016, February 7, 2017 and March 7, 2017 Planning Commission hearings until their April 4, 2017 hearing)*



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### **LAND USE PERMITS**

- LUP-3**      **CLAUDIA SISTO** (Claudia M. Sisto, owner) requesting a **Land Use Permit** for the purpose of having chickens in Land Lots 484 of the 19<sup>th</sup> District. Located on the northeast side of Greenridge Drive, north of Glynn Oak Drive, abutting the south side of Windy Hill Road. *(Continued by Staff until the April 4, 2017 Planning Commission hearing)*

### **SPECIAL LAND USE PERMITS**

- SLUP-2**      **STORAGE DEVELOPMENT GROUP** (J.C.-E.T. (MONROE) L.L.C., owner) requesting a **Special Land Use Permit** for the purpose of a Climate Controlled Self-Storage Facility in Land Lots 211 and 212 of the 16<sup>th</sup> District. Located on the east side of Bells Ferry Road, north of I-575
- SLUP-3**      **JOHNSON FERRY BAPTIST CHURCH, INC.** (Johnson Ferry Baptist Church, Inc., owner) requesting a **Special Land Use Permit** for the purpose of a Private School in Land Lots 67 and 68 of the 1<sup>st</sup> District. Located on the west side of Johnson Ferry Road, east side of Woodlawn Drive, north of Lower Roswell Road.
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## **OTHER BUSINESS CASES**

### **ITEM OB-006**

To consider granting a Special Exception for a reduction of lot size and public road frontage as recommended by the Board of Zoning Appeals from their February 15, 2017 Variance Hearing regarding Variance Application V-17 BEB INVESTMENTS, LLC. *(Continued by Staff until the April 18, 2017 hearing; therefore will not be consider in March)*

### **ITEM OB-007**

To consider amending the site plan and stipulations for SHAMS (Sky 2000 Food, Inc.) regarding rezoning application Z-8 (Holbrook Properties, LP/MCL Properties, LLC) of 2014, for property located at the southwest intersection of Austell Road and Floyd Road in Land Lot 848 the 19<sup>th</sup> District. *(Continued by Staff until the April 18, 2017 hearing; therefore will not be consider in March)*

### **ITEM OB-008**

To consider a stipulation amendment for The Providence Group of Georgia Custom Homes, LLC regarding rezoning application Z-24 of 2013 (Cotter Properties & Development, LLC), for property located on the west side of Spring Hill Parkway, north of Spring Hill Road, and at the eastern terminus of Vista Way in Land Lots 772, 813 and 814 of the 17<sup>th</sup> District.

### **ITEM OB-009**

To consider amending the stipulations and site plan for Karl Novak regarding rezoning application Z-97 (DPK, LP) of 2000, for property located on the south side of Kurtz Road, the north side of Dogwood Drive and on the east & north sides of Sylvan Park Drive in Land Lots 732 and 733 the 16<sup>th</sup> District.

### **ITEM OB-010**

To consider a site plan and stipulation amendment for Habitat for Humanity of Northwest Metro Atlanta, Inc. regarding rezoning case Z-9 (Decoteau Homes) of 2006. The property is located at the southeasterly intersection of Old Bankhead Highway and Cliff Drive, and the southeasterly intersection of Old Bankhead Highway and Ricky Lane, in Land Lot 36 of the 18th District. *(Continued by Staff until the April 18, 2017 hearing; therefore will not be consider in March)*

### **ITEM OB-011**

To consider a site plan and stipulation amendment for Walton Riverbend, LLC regarding rezoning application Z-8 (Julian LeCraw and Co.) of 1999. The property is 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 17th District.

### **OSC-17-02**

To consider approval of an R-20 Open Space Community Overlay application for W&H Investments, LLC, regarding Application OSC 17-02 filed December 6, 2016, for property located on the west side of Mount Calvary Road, north of Dallas Highway in Land Lot 328 of the 20<sup>th</sup> District and Land Lot 30 of the 19<sup>th</sup> District. *(Previously continued by Staff from the February 7, 2017 Planning Commission hearing until the March 7, 2017 Planning Commission hearing)*

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NOTE: Some of these petitions may not be heard by the Board of Commissioners. The Planning Commission or Staff may hold or continue some cases at their public hearing, and some cases may be withdrawn by the applicant/owner. Please see the Consent and Summary Agendas prior to the hearing the most up to date information.