

**COBB COUNTY BOARD OF COMMISSIONERS
ZONING HEARING SUMMARY AGENDA
APRIL 18, 2017**

CONSENT CASES

- Z-13^{'17}** **GREGORY E. & KIMBERLY S. LENZEN**
Z-17^{'17} **COBB COUNTY BOARD OF COMMISSIONERS**
LUP-3^{'17} **CLAUDIA SISTO** *(Previously continued by Staff until the April 4, 2017 Planning Commission hearing)*
OB-006 **BEB INVESTMENTS, LLC.**
OB-007 **SHAMS (SKY 2000 FOOD, INC.)**
OB-010 **HABITAT FOR HUMANITY OF NORTHWEST METRO ATLANTA, INC.**
OB-012 **HAMPTON COMMUNITIES, LLC**
OB-013 **PREMIER AUTO XPRESS, INC.**
OB-014 **BALLANTRY PMC KYLE, LLC**

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

- Z-97^{'16}** **ROYAL RESIDENTIAL, INC** *(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 and continued by staff until the March 7, 2017 Planning Commission hearing; held by the Planning Commission from the March 7, 2017 hearing until the April 4, 2017 Planning Commission hearing)*
Z-114^{'16} **CAPKEY REAL ESTATE ADVISORS** *(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 and held by the Board of Commissioners until their April 18, 2017 hearing)*
Z-117^{'16} **HICKS BUSINESS ENTERPRISES, LLC** *(Previously continued by the Planning Commission until the February 7, 2017 Planning Commission hearing; continued by the Board of Commissioners until their March 21, 2017 hearing and continued by Staff until the April 18, 2017 Board of Commissioners hearing)*
Z-119^{'16} **MAYWEATHER ENTERPRISE** *(Previously continued by staff from the February 7, 2017 Planning Commission hearing until the April 18, 2017 Board of Commissioners hearing)*

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

- Z-1^{'17}** **JACKI PAYNE**(Previously continued by the Board of Commissioners from the February 21, 2017 hearing until the March 21, 2017 hearing, and continued by Staff until the April 18, 2017 Board of Commissioners hearing)
- Z-7^{'17}** **POLLACK SHORES REAL ESTATE GROUP, LLC**
(Previously held by the Planning Commission until the March 7, 2017 Planning Commission hearing and continued until the April 4, 2017 Planning Commission hearing)
- Z-11^{'17}** **LOYD DEVELOPMENT SERVICES** (Previously continued by Staff until the April 4, 2017 Planning Commission hearing)
- SLUP-2^{'17}** **STORAGE DEVELOPMENT GROUP** (Previously held by the Planning Commission from their March 7, 2017 hearing until the April 4, 2017 Planning Commission hearing)

REGULAR CASE

- Z-16^{'17}** **MILLENNIUM TRUCKING**

WITHDRAWN CASE

- Z-93^{'16}** **KAPLAN MORGAN VININGS DEVELOPMENT, LLC**

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

- Z-18^{'16}** **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, November 1, 2016, December 6, 2016 and February 7, 2017 and March 7, 2017 Planning Commission hearings until the April 4, 2017 hearing; continued by the Planning Commission; until their May 2, 2017 hearing; and continued by Staff until the June 6, 2017 Planning Commission hearing)
- Z-35^{'16}** **ADVENTUR LIVING LLC** (Continued until lawsuit is settled)

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

(cont)

- Z-101^{'16}** **PROVINCE HOMES, LLC** *(Previously held by the Planning Commission from their November 1, 2016 hearing and continued by staff from the December 6, 2016 Planning Commission, Continued by staff from the February 21, 2017 and April 18, 2017 Board of Commissioners hearings until the May 16, 2017 Board of Commissioners hearing)*
- Z-111^{'16}** **RSDC1, LLC** *(Previously held by the Planning Commission until the February 7, 2017 hearing; continued until the April 4, 2017 hearing, and held by the Planning Commission until their May 2, 2017 Planning Commission hearing)*
- Z-112^{'16}** **DUNCAN LAND INVESTMENTS, LLC** *(Previously continued by Staff from the December 6, 2016, February 7, 2017, March 7, 2017 and April 4, 2017 Planning Commission hearings until the May 2, 2017 Planning Commission hearing)*
- Z-113^{'16}** **HABITAT FOR HUMANITY OF NORTHWEST METRO ATLANTA, INC. LLC** *(Previously held by the Planning Commission from their December 6, 2016 and February 7, 2017 hearings until the March 7, 2017 Planning Commission hearing, and continued by Staff until the May 2, 2017 Planning Commission hearing)*
- Z-9^{'17}** **PARAN HOMES** *(Previously held by the Planning Commission until the April 4, 2017 Planning Commission hearing and continued by Staff until the May 2, 2017 Planning Commission hearing)*
- Z-12^{'17}** **SSP BLUE RIDGE, LLC** *(Previously continued by Staff from the March 7, 2017 and April 4, 2017 Planning Commission hearings until the May 2, 2017 Planning Commission hearing)*
- Z-14^{'17}** **LOYD DEVELOPMENT SERVICES** *(Continued by the Planning Commission until the May 2, 2017 Planning Commission hearing)*
- Z-15^{'17}** **KERLEY FAMILY HOMES, LLC** *(Continued by Staff until the May 2, 2017 Planning Commission hearing)*
- Z-18^{'17}** **LONNIE D. COX** *(Continued by the Planning Commission until the May 2, 2017 Planning Commission hearing)*

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. *(Previously continued by Staff from the March 21, 2017 Board of Commissioners hearing until the April 18, 2017 Board of Commissioners hearing)*

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 of the 19th District. *(Previously continued by Staff from the March 21, 2017 Board of Commissioners hearing until the April 18, 2017 Board of Commissioners hearing)*

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. *(Previously continued by Staff from the March 21, 2017 Board of Commissioners hearing until the April 18, 2017 Board of Commissioners hearing)*

ITEM OB-012

To consider a site plan and stipulation amendment for Hampton Communities, LLC regarding rezoning case Z-197 (Springhill Properties, LLC) of 2005. The property is located on the west side of Barrett Parkway, north of Dallas Highway, in Land Lot 329 of the 20th District.

ITEM OB-013

To consider a site plan amendment for Premier Auto Xpress, Inc. regarding rezoning case Z-41 (Shelby Workman Estate) of 2016. The property is located on the east side of Ridgewood Drive south of Crestview Drive, and on the west side of I-285, in Land Lot 816 of the 17th District.

ITEM OB-014

To consider a site plan and stipulation amendment for Ballantry PMC Kyle, LLC regarding rezoning case Z-167 (Cousins Real Estate Corporation) of 2005. The property is located on the east side of Lost Mountain Road, south of Dallas Highway, in Land Lots 84, 137, 138, 139 and 159 of the 19th District.

COBB COUNTY BOARD OF COMMISSIONERS
ZONING HEARING *CONSENT* AGENDA
APRIL 18, 2017

Rezoning

- Z-13** **GREGORY E. & KIMBERLY S. LENZEN** (GREGORY e. Lenzen and Kimberly S. Lenzen, owners) requesting Rezoning from **NS** and **R-20** to **LI** for the purpose of Transportation Parking and Light Auto Repair in Land Lot 44 of the 18th District. Located on the north side of Veterans Memorial Highway, across from Cooks Road. The Planning Commission recommends **APPROVAL** to the **LI** zoning district subject to:
1. **Site plan received February 1, 2017, with modifications noted below (on file in the Zoning Division)**
 2. **Special contractor use and event supply rental *only* for GoGo Party Bus; maximum of seven buses, no rental of tools, food preparation, or sale of alcohol allowed; future contractor uses to be approved by the Board of Commissioners as an Other Business Item**
 3. **Parking plan to be submitted to the Zoning Division, subject to approval by the District Commissioner; parking plan to prove for at least 10 standard parking spaces and individual spaces for the buses; all parking to be striped to the plan, with any existing striping to be removed where no longer appropriate; work to be completed prior to occupancy of the property; all buses to be parked to the rear of the front building in designated spaces; at no time shall the buses be parked in front of the front building; all cars to be parked in the parking spaces that meet County standards**
 4. **Previous pavers to be used for the existing/gravel area in front of the rear building; no parking on dirt or gravel allowed**
 5. **With regard to the addition on the rear building that was constructed between 2000 and 2003, Applicant to either obtain a building permit and rectify any deficiencies to bring addition up to current code or demolish the addition; work to be completed within 90 days of Board of Commissioners' final decision and prior to any occupancy**
 6. **At least two landscaping beds with a total of at least 32 square feet to be placed in front of the front building; these beds can be ground level or in raised planters; landscaping plan to be submitted and is subject to the approval of the County Arborist and District Commissioner; landscaping to be completed within 90 days of this application and prior to occupancy of the building; landscaping to be maintained with dead plants to be replaced within 30 days**
 7. **All signs to meet current county ordinances; no grandfathering of any signs**

8. Existing fence to be replaced with black vinyl coated chain link fencing or black wrought iron style fencing; no barbed wire or razor wire allowed
9. Allowance of the following variances:
 - A. Waive lot size from 20,000 square feet to 19,122 square feet
 - B. Waive the front setback from 50 feet to 35 feet for existing building
 - C. Waive side setbacks for the rear building from 20 feet to three feet for existing building
 - D. Waive the landscape enhancement strip along the public road
10. No outdoor storage or display of merchandise
11. No onsite repair of vehicles
12. No washing of vehicles onsite
13. Dumpster must be within dumpster enclosure that meets County Standards and placed to the rear of the front building
14. Rear and sides of rear building to be painted prior to the occupancy of the property; District Commissioner to approve paint color of the building
15. All cracked or broken windows to be replaced
16. Fire Department comments and recommendations, *not otherwise in conflict*
17. Stormwater Management Division comments and recommendations, *not otherwise in conflict*
18. Water and Sewer Division comments and recommendations, *not otherwise in conflict*
19. Department of Transportation comments and recommendations, *not otherwise in conflict*
20. 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 and
21. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning hearing of April 18, 2017.

Z-17

COBB COUNTY BOARD OF COMMISSIONERS (Cobb County Board of Commissioners, owners) requesting Rezoning from **GC**, and **CRC** to **CRC** for the purpose of Retail, Restaurant or Offices in Land Lot 923 of the 17th District. Located on the west side of Powers Ferry Road, north side of Terrell Mill Road. The Planning Commission recommends **APPROVAL** to the **CRC** zoning district subject to:

1. Final site plan to be approved by the District Commissioner

(Continued on the next page)

2. Variance as mentioned in Zoning Division comments and recommendations
3. Water and Sewer Division comments and recommendations
4. Department of Transportation comments and recommendations and
5. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing of April 18, 2017.

Temporary Land Use Permit Case

LUP-3 **CLAUDIA SISTO** (Claudia M. Sisto, owner) requesting a **Land Use Permit** for the purpose of having chickens in Land Lot 484 of the 19th District. Located on the northeast side of Greenridge Drive, north of Glynn Oak Drive, abutting the south side of Windy Hill Road. The Planning Commission recommends **APPROVAL** for 24 months subject to:

1. Approval is for a maximum of three hens
2. Coop to be relocated to meet County Ordinance
3. Staff comments and recommendations, *not otherwise in conflict* and
4. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing of April 18, 2017.

Other Business Cases

ITEM OB-006

To consider a granting a Special Exception for a reduction of lot size and public road frontage as recommended by the Board of Zoning Appeals from their March 15, 2017 Variance Hearing regarding Variance Application V-17 BEB INVESTMENTS, LLC. Staff recommends approval subject to:

1. Board of Zoning Appeals minutes from March 15, 2017.
2. Fire Department comments.

ITEM OB-007

To consider a stipulation 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 of the 19th District. Staff recommends approval subject to:

1. Site plan dated October 1, 2015 for the dumpster location.
2. County Arborist review the dumpster enclosure planting plan with the District Commissioner approving the final plan.
3. Dumpster area to be kept neat and clean.
4. All previous stipulations not in conflict with this amendment.

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, for property 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. Staff recommends approval subject to:

1. Exhibit B contained in the Other Business packet.
2. Stormwater Management comments.
3. Cobb DOT comments.
4. All previous stipulations not in conflict with this amendment.

ITEM OB-012

To consider a site plan and stipulation amendment for Hampton Communities, LLC regarding rezoning case Z-197 (Springhill Properties, LLC) of 2005, for property located on the west side of Barrett Parkway, north of Dallas Highway in Land Lot 329 of the 20th District. Staff recommends approval subject to:

1. Deletion of paragraphs 4 & 5 from the letter of stipulations dated February 24, 2006.
2. Sidewalks be installed on both sides of the road.
3. District Commissioner approve changing duplexes to single family houses.
4. All previous stipulations not in conflict with this amendment.

ITEM OB-013

To consider a site plan amendment for Premier Auto Xpress, Inc. regarding rezoning case Z-41 (Shelby Workman Estate) of 2016, for property located on the west side of Barrett Parkway, north of Dallas Highway in Land Lot 329 of the 20th District. Staff recommends approval subject to:

1. Site plan received March 14, 2017
2. All previous stipulations not in conflict with this amendment.

ITEM OB-014

To consider a site plan and stipulation amendment for Ballantry OMC Kyle, LLC regarding rezoning case Z-167 (Cousins Real Estate Corporation) of 2005, for property located on the east side of Lost Mountain Road, south of Dallas Highway in Land Lots 84, 137, 138, 139 and 159 of the 19th District. Staff recommends approval subject to:

1. Amend paragraph 19 from the stipulation letter dated October 18, 2006 to allow a wall sign.
2. Proposed elevations contained in the Other Business packet.
3. All previous stipulations not in conflict with this amendment.

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 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.