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# ZONING ANALYSIS

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## Planning Commission Public Hearing

May 2, 2017

## Board of Commissioners' Public Hearing

May 16, 2017

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

***COBB COUNTY BOARD OF COMMISSIONERS***

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

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***COBB COUNTY PLANNING COMMISSION***

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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–May 2, 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. *(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 and the April 4, 2017 Planning Commission hearings until the June 6, 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, February 7, 2017, March 7, 2017 and April 4, 2017 hearings until the May 2, 2017 Planning Commission hearing )*
- Z-112<sup>'16</sup>** **DUNCAN LAND INVESTMENTS, LLC** (Duncan Land Investments, LLC and Brumby D. Hanson and Margaret M. Hanson, owners) 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 and February 7, 2017 and March 7, 2017 Planning Commission hearings until the May 2, 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; continued by Staff until the May 2, 2017 Planning Commission hearing)*
- 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. *(Previously held by the Planning Commission from their March 7, 2017 hearing until the April 4, 2017 Planning Commission hearing; and continued by Staff until the May 2, 2017 Planning Commission hearing)*
- 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. *(Previously continued by staff from the March 7, 2017 and May 2, 2017 Planning Commission hearings until the June 6, 2017 Planning Commission hearing)*
- Z-14**            **LOYD DEVELOPMENT SERVICES** (The Estate of Donald T. Allbright, Richard B. Wages and Billy E. Martin, owners) requesting Rezoning from **R-20** to **R-15 OSC** for the purpose of a Single-Family Residential Subdivision in Land Lot 394 of the 17<sup>th</sup> District. Located on the northern terminus of Pebblebrook Lane, on the northwest side of Pebblebrook Road. *(Previously continued by the Planning Commission from their April 4, 2017 until the May 2, 2017 Planning Commission hearing)*



- Z-15**      **KERLEY FAMILY HOMES, LLC** (The Estate of Nellie Duncan England; Mary Nichols Miltiades, as Successor Trustee of the Evans John Nichols Revocable Trust, owner) requesting Rezoning from **R-30** to **R-20 OSC** for the purpose of Single-Family Residential in Land Lot 198 of the 20<sup>th</sup> District. Located on the east side of Acworth Due West Road, north of Stilesboro Road. *(Previously continued by Staff from the April 4, 2017 Planning Commission hearing until the May 2, 2017 Planning Commission hearing)*
- Z-18**      **LONNIE D. COX** (Cox Investments, LLC, owner) requesting Rezoning from **GC**, to **NRC** for the purpose of Automotive Repair in Land Lot 60 of the 16<sup>th</sup> District. Located on the west side of Canton Road, north of Jamerson Road. *(Previously continued by the Planning Commission from their April 4, 2017 until the May 2, 2017 Planning Commission hearing)*

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

### **Rezoning**

- Z-19**      **CLARENCE CLAY** (Clarence Clay, owner) requesting Rezoning from **GC** to **NRC** for the purpose of Adding Storage to a Sports Bar in Land Lots 189 and 190 of the 18<sup>th</sup> District. Located on the east side of Mableton Parkway, north of Community Drive.
- Z-20**      **TEACHING LITTLE CHILDREN, INC.** (Robinson Property Management, LLC, owner) requesting Rezoning from **GC** to **NRC** for the purpose of Neighborhood Retail Uses in Land Lot 85 of the 16<sup>th</sup> District. Located on the south side of Ecton Drive, west of Canton Road.
- Z-21**      **CII HOLDINGS, LLC** (CII Holdings, LLC, owner) requesting Rezoning from **R-20** to **LI** for the purpose of an Office Warehouse in Land Lot 794 of the 16<sup>th</sup> District. Located on the southeasterly side of White Circle, east of Noonday Church Road.

## **LAND USE PERMITS**

- LUP-4**      **SANDY CLOUGH** (Sandra L. Clough and Richard C. Clough, owners) requesting a **Land Use Permit (Renewal)** for the purpose of an Artist's Studio in Land Lot 336 of the 20<sup>th</sup> District. Located on the west side of Trail Road, west of Midway Road.
- LUP-5**      **NATALLIA VILCHENKO** (Alexandr Vilchenko and Natallia A. Vilchenko, owners) requesting a **Land Use Permit** for the purpose of 3 Hens in Land Lot 173 of the 16<sup>th</sup> District. Located on the west side of North Mountain Road, southwest of Forest Peak Circle.
- LUP-6**      **STILL FAMILY FARM, LLC** (Multiple Titleholders Listed on file in the Zoning Division) requesting a **Land Use Permit (Renewal)** for Agritourism and a Corn Maze in Land Lot 439 of the 19<sup>th</sup> District. Located on the north side of Macland Road, west of Florence Road.
- LUP-7**      **RENEIKA ROGAN** (Bavan Properties Inc., owner) requesting a **Land Use Permit** for the purpose of a Personal Care Home Expanding to 9 Residents in Land Lot 1142 of the 19<sup>th</sup> District. Located on the northeast corner of Clay Road and Golden Circle.
- LUP-8**      **JESSICAH JOYNER** (Jessicah Hollis Joyner, owner) requesting a **Land Use Permit (Renewal)** for the purpose of an In-Home Salon in Land Lot 270 of the 20<sup>th</sup> District. Located on the northwest corner of Evian Drive and Hadaway Road.

**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–May 16, 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-101<sup>'16</sup>** **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 20<sup>th</sup> District. Located on the southwest side of Burnt Hickory Road, west of Acworth-Due West Road. *(Previously held by the Planning Commission from their November 1, 2016 hearing and continued by staff from the December 6, 2016 Planning Commission Hearing; Held by the Board of Commissioners until the April 18, 2017 Board of Commissioners hearing; Continued by Staff until the May 16, 2017 Board of Commissioners 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, February 7, 2017, March 7, 2017 and April 4, 2017 hearings until the May 2, 2017 Planning Commission hearing )*

**Z-112<sup>'16</sup>** **DUNCAN LAND INVESTMENTS, LLC** (Duncan Land Investments, LLC and Brumby D. Hanson and Margaret M. Hanson, owners) 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 and February 7, 2017, March 7, 2017 and April 4, 2017 Planning Commission hearings until the May 2, 2017 Planning Commission hearing)*

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- Z-35<sup>16</sup>**      **ADVENTUR LIVING LLC** (T.M. Denome, William Harry Nelson and Glenna S. Nelson, owners) requesting Rezoning from **R-20** to **RSL (Non-Supportive)** for the purpose of Senior Living in Land Lots 304 and 345 of the 16<sup>th</sup> District. Located on the east side of Ebenezer Road, north of Blackwell Road, and the western terminus of Cedar Ridge Road (3860, and 3862 Ebenezer Road). *(Continued by the Board of Commissioners until the lawsuit is settled; this item is on the Other Business agenda as item # 015 as a Settlement of Litigation)*

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- Z-19**      **CLARENCE CLAY** (Clarence Clay, owner) requesting Rezoning from **GC** to **NRC** for the purpose of Adding Storage to a Sports Bar in Land Lots 189 and 190 of the 18<sup>th</sup> District. Located on the east side of Mableton Parkway, north of Community Drive.
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## **OTHER BUSINESS CASES**

### **ITEM OB-015**

To consider a Settlement of Litigation for T.M. Denome a/k/a Toni Barnes regarding rezoning application Z-35 (Adventur Living, LLC) of 2016, for property located on the east side of Ebenezer Road and at the western terminus of Cedar Ridge Road in Land Lots 304 of the 16<sup>th</sup> District.

### **ITEM OB-016**

To consider amending the site plan for Lidl US Operations, LLC regarding rezoning application Z-223 (Evelyn J. Gordy-Rankin & Larry Thompson) of 1988, for property located at the northwest intersection of Shallowford Road and Gordy Parkway in Land Lots 335 and 386 of the 16<sup>th</sup> District.

### **ITEM OB-017**

To consider a stipulation amendment for Adventur Living regarding rezoning case Z-51 (Adventur Living, LLC) of 2016. The property is located on the north side of Macland Road, east of McMurry Drive, in Land Lot 497 of the 19<sup>th</sup> District.

### **ITEM OB-018**

To consider a site plan and stipulation amendment for Mt. Bethel Christian Academy, Inc. regarding case SLUP-11 (Mt. Bethel United Methodist Church, Inc.) of 2013. The property is located on the north side of Post Oak Tritt Road, west of Holly Springs Road, in Land Lots 599, 600, 625 and 626 of the 16<sup>th</sup> District.



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