

**COBB COUNTY BOARD OF COMMISSIONERS
ZONING HEARING SUMMARY AGENDA
JUNE 20, 2017**

CONSENT CASES

- Z-111^{'16}** **RSDC1, LLC** *(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; continued by the Board of Commissioners from the May 16, 2017 hearing)*
- Z-19^{'17}** **CLARENCE CLAY** *(Previously continued by the Planning Commission from their May 2, 2017 hearing until the June 6, 2017 Planning Commission hearing)*
- Z-28^{'17}** **FATIMA WILLOUGHBY**
- Z-29^{'17}** **GINA H. VINCENT**
- LUP-11** **LAURI SHENNAN**
- OB-019** **CHRISTOPHER CAMPBELL (V-51)**
- OB-020** **PRADERA GROUP (V-54)**
- OB-021** **JWPV-BAT, LLC**
- OB-022** **GARY M. DEPPE**
- OB-023** **MEDICAL DEVELOPMENT CORP.**

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

- Z-15^{'17}** **KERLEY FAMILY HOMES, LLC** *(Previously continued by Staff from the April 4, 2017 Planning Commission hearing until the May 2, 2017 Planning Commission hearing; and held by the Planning Commission until their June 6, 2017 hearing)*

REGULAR CASES

- Z-25** **VENTURE HOMES, INC.**
- Z-30** **MONTECITO DEVELOPMENTS, LLC**
- LUP-10** **DAVID MEANEY**

WITHDRAWN CASES

- Z-24** **NARDEN KALDANI- WITHDRAWN WITHOUT PREJUDICE**
- LUP-9** **JOHN ELLSWORTH- WITHDRAWN WITHOUT PREJUDICE**

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

- Z-18^{'16}** **POPE & LAND ENTERPRISES, INC.** (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 April 4, 2017 and May 2, 2017 Planning Commission hearings until the June 6, 2017 Planning Commission hearing; continued by Staff until the July 18, 2017 Board of Commissioners hearing)
- Z-9^{'17}** **PARAN HOMES** (Previously held by the Planning Commission from their March 7, 2017 hearing until the April 4, 2017 Planning Commission hearing; and continued by Staff from the May 2, 2017 and June 6, 2017 Planning Commission hearings until the July 6, 2017 Planning Commission hearing)
- Z-12^{'17}** **SSP BLUE RIDGE, LLC** (Previously continued by Staff from the March 7, 2017, April 4, 2017 and May 2, 2017 Planning Commission hearings until the September 7, 2017 Planning Commission hearing)
- Z-22^{'17}** **VENTURE HOMES, INC.** (Continued by the Planning Commission from their June 6, 2017 hearing until the July 6, 2017 Planning Commission hearing)
- Z-23^{'17}** **COURTNEY ELLIS** (Held by the Planning Commission from their June 6, 2017 hearing until the July 6, 2017 Planning Commission hearing)
- Z-26^{'17}** **GREEN WORX, LLC** (Continued by staff until the July 6, 2017 Planning Commission Hearing)
- Z-27^{'17}** **AMRETECK, LLC** (Continued by staff until the July 6, 2017 Planning Commission Hearing)
- OB-016** **LIDL US OPERATIONS, LLC** (Continued by staff until the July 18, 2017 Board of Commissioners Hearing)
- OB-024** **D.R. HORTON, INC.** (Continued by staff until the July 18, 2017 Board of Commissioners Hearing)

SETTLEMENT OF LITIGATION

- Z-35^{'16}** **ADVENTUR LIVING LLC** (T.M. Denome, owner) requesting Rezoning from **R-20** to **RSL (Non-Supportive)** for the purpose of Senior Living in Land Lot 304 of the 16th District. Located on the east side of Ebenezer Road, north of Blackwell Road, and the western terminus of Cedar Ridge Road (3862 Ebenezer Road). **(See Other Business #15 in the Other Business Agenda).**

OTHER BUSINESS

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 16th District. *(Previously continued by the Board of Commissioners from the May 16, 2017 hearing)*

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 16th District. *(Continued by Staff from the May 16, 2017 and June 20, 2017 hearings until the July 18, 2017 hearing)*

ITEM OB-019

To consider granting a Special Exception for a reduction of public road frontage as recommended by the Board of Zoning Appeals from their May 10, 2017 Variance Hearing regarding Variance Application V-51 Christopher Campbell.

ITEM OB-020

To consider granting a Special Exception for a reduction of lot size as recommended by the Board of Zoning Appeals from their May 10, 2017 Variance Hearing regarding Variance Application V-54 Pradera Group.

ITEM OB-021

To consider amending the site plan and stipulations for JWPIV-BAT, LLC regarding rezoning application Z-47 (Clarit Realty, LTD) of 2015, for property located at the southwest intersection of South Cobb Drive and Dink Lane in Land Lot 300 of the 17th District (2022 South Cobb Drive).

ITEM OB-022

To consider amending the site plan and stipulations for Gary M. Deppe regarding rezoning application Z-51 (Arrowhead Real Estate Partners, LLC) of 2012, for property located on the north side of Roswell Road, west of Robert Lane in Land Lots 961, 984 and 985 of the 16th District.

ITEM OB-023

To consider amending the site plan and stipulations for Medical Development, Corp. regarding rezoning application Z-33 (Medical Development, Corp.) of 2014, for property located on the west side of Bells Ferry Road and on the south side of Shiloh Pass in Land Lots 148 and 149 of the 16th District.

ITEM OB-024

To consider amending the site plan and stipulations for D.R. Horton, Inc. regarding rezoning application Z-210 (W&H Properties, LLC) of 2005, for property located on the east side of Maxham Road, south of Veterans Memorial Highway in Land Lots 87 and 88 of the 18th District. *(Continued by Staff until the July 18, 2017 Board of Commissioners hearing: therefore will not be considered at this time)*

COBB COUNTY BOARD OF COMMISSIONERS
ZONING HEARING *CONSENT* AGENDA
JUNE 20, 2017

Rezoning

Z-111^{'16} 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 16th 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; Continued by the Board of Commissioners from the May 16, 2017 hearing until the June 20, 2017 hearing)*. Staff recommends approval subject to:

1. Letter of agreeable stipulations from Sean Connelly received by the Zoning Division on June 13, 2017.
2. Site plan received June 13, 2017 with the District Commissioner approving minor modifications.
3. Landscape plan received June 13, 2017 with the District Commissioner approving the final plan.
4. House architecture to be approved by the District Commissioner.
5. Fire Department comments and recommendations.
6. Water and Sewer Division comments and recommendations.
7. Stormwater Management Division comments and recommendations.
8. Department of Transportation comments and recommendations.
9. 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.

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 18th District. Located on the east side of Mableton Parkway, north of Community Drive. The Planning Commission recommends **APPROVAL** to the **NRC** zoning district subject to:

1. Eating and drinking establishment use *only*
2. Generally conform to the parking plan received on May 23, 2017, with the understanding that county parking requirements must be met, including the following:
 - A. A minimum of 30 parking spaces to be provided, with a maximum of 20% compact car spaces

(Z-19 continued)

- B. Parking spaces in the front parking lot (other than the handicap spaces) to either be increased to full size spaces or marked as a compact space per County standard
- C. The gate to the rear parking area to be fully open at all times the business is open
- 3. Installation of a 20 foot landscape buffer adjacent to the ~~western~~ eastern property line; installation of heavy landscaping for the beautification of the screening in the grassy area to the northwest of the building (size is approximately 300 square feet); landscape and buffer plan to be approved by the County Arborist and the District Commissioner; all landscaping to be maintained with any dead or damaged landscaping to be replaced within 60 days
- 4. Parking, landscaping, and buffer to be completed prior to Certificate of Occupancy being issued for the addition
- 5. No outdoor seating, decks, stages, or other uses unless approved by the Board of Commissioners via Other Business
- 6. Staff comments and recommendations, *not otherwise in conflict*
- 7. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing of June 20, 2017

Z-28 **FATIMAH WILLOUGHBY** (Marietta Properties, LLC, owner) requesting Rezoning from **NS** to **NRC** for the purpose of a Nursery School/Child Day Care in Land Lot 311 of the 16th District. Located on the north side of Shallowford Road, west of Stenhauer Road. The Planning Commission recommends **APPROVAL** to the **NRC** zoning district subject to:

- 1. Site plan received by the Zoning Division on April 6, 2017, with District Commissioner approving minor modifications (on file in the Zoning Division)
- 2. No automotive related uses
- 3. District Commissioner to approve any other uses allowed within the NRC zoning district
- 4. Applicant to utilize existing free standing sign
- 5. Fire Department comments and recommendations
- 6. Water and Sewer Division comments and recommendations
- 7. Stormwater Management Division comments and recommendations;
- 8. Department of Transportation comments and recommendations
- 9. 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

(Z-28 continued)

**10. Inclusion on the Consent Agenda for the Board of Commissioners’
Zoning Hearing of June 20, 2017**

Z-29 **GINA H. VINCENT** (Gina Vincent, owner) requesting Rezoning from **LRO** to **R-15** for the purpose of Single Family Houses in Land Lots 371 and 372 of the 16th District. Located on the east side of Blackwell Circle, south of Chastain Corner. The Planning Commission recommends **APPROVAL** to the **R-15** zoning district subject to:

1. Site plan received by the Zoning Division on May 11, 2017, with the District Commissioner approving minor modifications (on file in the Zoning District)
2. Applicant/Developer to install a 20 foot buffer along the north side of Tract 1 and a 10 foot buffer along the eastern side of Tracts 1 and 2
3. Access to Blackwell Circle *only*
4. Fire Department comments and recommendations
5. Water Division comments and recommendations
6. Stormwater Management Division comments and recommendations
7. Department of Transportation comments and recommendations;
8. 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
9. Inclusion on the Consent Agenda for the Board of Commissioners’ Zoning Hearing of June 20, 2017

Temporary Land Use Permit Cases

LUP-11 **LAURI SHENNAN** (Lauri A. Shennan, owner) requesting a **Land Use Permit (Renewal)** for the purpose of a Hair Salon in Land Lots 1246 and 1271 of the 19th District. Located on the west side of Sammy Drive, north side of Ruth Lane, south of Norma Lane. Staff recommends **APPROVAL** for 24 months subject to:

1. Staff comments and recommendations
2. Inclusion on the Consent Agenda for the Board of Commissioners’ Zoning Hearing of June 20, 2017

Other Business Cases

ITEM OB-019

To consider granting a Special Exception for a reduction of public road frontage as recommended by the Board of Zoning Appeals from their May 10, 2017 Variance Hearing regarding Variance Application V-51 Christopher Campbell. Staff recommends approval subject to:

1. Board of Zoning Appeals minutes from May 10, 2017.

ITEM OB-020

To consider granting a Special Exception for a reduction of lot size as recommended by the Board of Zoning Appeals from their May 10, 2017 Variance Hearing regarding Variance Application V-54 Pradera Group. Staff recommends approval subject to:

1. Board of Zoning Appeals minutes from May 10, 2017.

ITEM OB-021

To consider amending the site plan and stipulations for JWPIV-BAT, LLC regarding rezoning application Z-47 (Clarit Realty, LTD) of 2015, for property located at the southwest intersection of South Cobb Drive and Dink Lane in Land Lot 300 of the 17th District (2022 South Cobb Drive). Staff recommends approval subject to:

1. Proposed site plan contained in the Other Business packet.
2. Rear of building only be used for parking.
3. Stormwater Management comments.
4. Cobb DOT comments.
5. All previous stipulations not in conflict with this amendment.

ITEM OB-022

To consider amending the site plan and stipulations for Gary M. Deppe regarding rezoning application Z-51 (Arrowhead Real Estate Partners, LLC) of 2012, for property located on the north side of Roswell Road, west of Robert Lane in Land Lots 961, 984 and 985 of the 16th District. Staff recommends approval subject to:

1. Deletion of fencing behind lots 9-13 in Sterling Ridge Chase subdivision.
2. Applicant provide Sterling Ridge Chase with a new brick monument sign, landscaping and fencing up to \$5000.00 in value by December 31, 2017.
3. All previous stipulations not in conflict with this amendment.

ITEM OB-023

To consider amending the site plan and stipulations for Medical Development, Corp. regarding rezoning application Z-33 (Medical Development, Corp.) of 2014, for property located on the west side of Bells Ferry Road and on the south side of Shiloh Pass in Land Lots 148 and 149 of the 16th District. Staff recommends approval subject to:

1. Deletion of stipulation 12h from the letter of stipulations dated April 30, 2014.
2. County arborist approve a fully planted 25' buffer adjacent to the single family houses.
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.