
ZONING ANALYSIS

Planning Commission Public Hearing

November 7, 2017

Board of Commissioners' Public Hearing

November 21, 2017

Prepared by:
COBB COUNTY
PLANNING AND ZONING DIVISIONS

COBB COUNTY BOARD OF COMMISSIONERS

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Bob Weatherford, District 1
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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 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-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 **UC** for the purpose of Commercial and Residential in Land Lots 923 and 924 of the 17th District. Located on the northwest side of Terrell Mill Road, and on the west side of Powers Ferry Road. *(Previously continued by Staff from the April 4, 2017, May 2, 2017, June 6, 2017, July 6, 2017, August 1, 2017, September 7, 2017 and October 3, 2017 Planning Commission hearings until the November 7, 2017 Planning Commission hearing; continued by Staff until the December 5, 2017 Planning Commission hearing)*
- Z-44** **MERITAGE HOMES OF GEORGIA, LLC** (Multiple title holders in Zoning file) requesting Rezoning from **R-20** to **RA-5, RA-6 and RM-8** for the purpose of a Residential Community in Land Lots 29, 30, 1073, 1074 and 1147 of the 17th and 19th Districts. Located at the southwest intersection of Floyd Road and Glore Road, at the northern terminus of Green Valley Road. *(Previously continued by the Planning Commission from their August 1, 2017, September 7, 2017 and October 3, 2017 Planning Commission hearings until the November 7, 2017 Planning Commission hearing)*
- Z-49** **WASTE INDUSTRIES, ATLANTA, LLC** (C.W. Matthews Contracting Co., Inc., owner) requesting Rezoning from **CF and R-20** to **HI** for the purpose of a Transfer Station in Land Lots 134 and 135 of the 20th District. Located on the north side and south side of Duncan Road, west of Barrett Lakes Boulevard. *(Previously continued by Staff from the September 7, 2017 Planning Commission hearing, until the November 7, 2017 Planning Commission hearing)* – **WITHDRAWN WITHOUT PREJUDICE**

- Z-56** **OAK HALL COMPANIES, LLC** (Audrey Mae Wigley, By Gloria Wigley as Administrator for the Estate of Audrey Wigley, owner) requesting Rezoning from **R-30** to **R-20/OSC** for the purpose of a Single-family Subdivision in Land Lots 26 and 47 of the 16th District. Located on the east and west sides of Wigley Road, north of Summitop Road. *(Previously continued by Staff from the September 7, 2017, October 3, 2017 and November 7, 2017 Planning Commission hearings until the December 5, 2017 Planning Commission hearing)*
- Z-58** **LOVIA MCMILLEN** (Lovia Mcmillen, owner) requesting Rezoning from **GC** to **LI** for the purpose of a Warehouse in Land Lot 224 of the 17th District. Located on the north side of Barber Road, west of South Cobb Drive. *(Previously continued by Staff from the October 3, 2017 Planning Commission hearing until the November 7, 2017 Planning Commission hearing)*
- Z-61** **WEST COBB SENIOR LIVING, LLC** (Jeptha B. Foster, Jr. and Loretta Foster; Julia K. Martin and Chester Martin; and Matthew L. Sawyer and Kristy K. Sawyer, owners) requesting Rezoning from **R-20** to **RSL** for the purpose of a Memory Care Facility in Land Lot 332 of the 20th District. Located on the north side of Kennesaw View Drive, west of West Sandtown Road. *(Previously continued by Staff from the October 3, 2017 Planning Commission hearing until the November 7, 2017 Planning Commission hearing)*

- Z-64** **BRANCH ACQUISITION COMPANY, LLC** (Branch/Highlands Vinings West, LLC and West Village Associates, LLC, owners) requesting Rezoning from **R-15, R-20, PVC, GC and NRC** to **PVC** for the purpose of Adding property to a Mixed Use Development (West Village) in Land Lots 692, 693, 694, 748 and 749 of the 17th District. Located on the north side of West Village Crossing, on the east side of Oakdale Road, on the south side of West Village Way, on the west side of Pine Street, at the southern corner of Oakdale Road and West Atlanta Road, at the southeast corner of West Atlanta Road and Young Street, on the east side of West Atlanta Road and the west side of Atlanta Road, on the east side of West Atlanta Road, and at the northern corner of Pine Street and West Village Way. *(Previously continued by Staff from the October 3, 2017 Planning Commission hearing until the November 7, 2017 Planning Commission hearing)*
- Z-65** **VICTOR NWALA** (Victor Nwala Ngon, owner) requesting Rezoning from **LRO** to **NRC** for the purpose of a Beauty Salon in Land Lot 702 of the 19th District. Located on the east side of Austell Road, north of Byers Drive. *(Previously continued by Staff from the, September 7, 2017 and October 3, 2017 Planning Commission hearings until the November 7, 2017 Planning Commission hearing; continued by Staff until the December 5, 2017 Planning Commission hearing)*
- SLUP-8** **SSP BLUE RIDGE, LLC** (Betty Jean King Living Trust, owner) requesting a **Special Land Use Permit** for the purpose of a Climate-Controlled Self-Service Storage Facility in Land Lot 923 of the 17th District. Located on the northwest side of Terrell Mill Road, west of Powers Ferry Road. *(Previously continued by Staff from the, September 7, 2017 Planning Commission hearing until the November 7, 2017 Planning Commission hearing; continued by Staff until the December 5, 2017 Planning Commission hearing)*

SLUP-9 **WASTE INDUSTRIES, ATLANTA, LLC** (C.W. Matthews Co. Inc, owner) requesting a **Special Land Use Permit** for the purpose of a Transfer Station in Land Lots 134 and 135 of the 20th District. Located on the north side and south side of Duncan Road, west of Barrett Lakes Boulevard. *(Previously continued by Staff from the September 7, 2017 and October 3, 2017 Planning Commission hearings until the November 7, 2017 Planning Commission hearing)* - **WITHDRAWN WITHOUT PREJUDICE**

REGULAR CASES --- NEW BUSINESS

Rezoning

Z-67 **EAST MOUNTAIN DEVELOPMENT GROUP** (United Church Homes, Inc., owner) requesting Rezoning from **O&I** to **CRC** for the purpose of Retail in Land Lot 58 of the 20th District. Located on the south side of Shiloh Road, east of Frey Road.

Z-69 **EAH ACQUISITIONS, L.L.C.** (Estate of Dorothy Henrietta Wigley, owner) requesting Rezoning from **R-30 and R-15** to **R-15** for the purpose of a Single-Family Residential Subdivision in Land Lots 98 and 119 of the 16th District. Located on the west side of Wigley Road, on the south side of Jamerson Road, and the northwestern corner of Wigley Road and Jims Road.

Z-70 **JOE A. MCHARG** (B&M Equities, LLC, owner) requesting Rezoning from **RM-8** to **RD** for the purpose of Townhomes in Land Lot 273 of the 17th District. Located on the southwest corner of Smyrna-Powder Springs Road and Vineyard Way.

- Z-71** **LOYD DEVELOPMENT SERVICES** (Early Wendell Wood and Maudina J. Wood (a/k/a M. Ashley Wood), owners) requesting Rezoning from **O&I and R-20** to **RA-5** for the purpose of a Single-Family Subdivision in Land Lots 443 and 494 of the 16th District. Located on the east, west, south and north sides of Hilltop Drive and Hilltop Circle, southeast of Kelly Drive, and on the south side of Sunholdon Circle.
- Z-72** **LOYD DEVELOPMENT SERVICES** (Loyd Development Services, LLC, owner) requesting Rezoning from **R-20** to **RA-5** for the purpose of Single-Family Residential in Land Lot 131 of the 16th District. Located on the south side of Lee Waters Road, south of Jamerson Road.
- Z-73** **VENTURE HOMES, INC.** (Bill Jones Holding, LLC, owner) requesting Rezoning from **GC** to **FST** for the purpose of Townhomes in Land Lots 55 and 56 of the 20th District. Located on the southwest side of Wooten Lake Road, and on the east side of Wade Green Road.
- Z-74** **DAVID PEARSON COMMUNITIES, INC.** (Estate of Collene W. Ruggles, owner) requesting Rezoning from **R-20** to **R-12** for the purpose of a Single-Family Residential Subdivision in Land Lots 162 and 163 of the 16th District. Located on the west side of Keheley Drive, across from Keheley Road.
- Z-75** **PROVINCE HOMES, LLC** (Estate of Louise Chumley Maloney and Estate of Fred Marvin Maloney, Sr., and Testamentary Trust Under the Will of Fred Marvin Maloney, Sr.; Peter L. Tarter and James O. Tarter, owners) requesting Rezoning from **R-30** to **R-20/OSC** for the purpose of a Single-Family Residential Subdivision in Land Lots 115, 151 and 152 of the 20th District. Located on the north side of Old Stilesboro Road, on the west side of Cheatham Road.

LAND USE PERMIT

LUP-24 **MICHAEL J. FLINN** (Michael J. Flinn and Toni S. Flinn, owners) requesting a **Land Use Permit** for the purpose of a Wedding and Special Events Venue in Land Lots 314, 315 and 352 of the 19th District. Located on the south side of Casteel Road, on the east side of Villa Rica Road. – **Withdrawn Without Prejudice**

SPECIAL LAND USE PERMIT

SLUP-12 **CUMBERLAND CHRISTIAN ACADEMY, INC.** (M.S. Florence; Trustees of Youth Baptist Church, owners) requesting a **Special Land Use Permit** for the purpose of a Private School in Land Lot 1178 of the 19th District. Located on the south side of Brownsville Road, east of Hill 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–November 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)

- Z-34** **JOSH THOMPSON** (Barnes Land and Investments, LLC, owner) requesting Rezoning from **R-15 and R-20** to **RA-5** for the purpose of a Single-family Subdivision in Land Lots 1226 and 1291 of the 19th District. Located at the northern terminus of Burrus Lane, at the northwestern terminus of Milton Place, the northern terminus of Lakeview Drive, the eastern end of Mark Lee Drive, and northeast of Veterans Memorial Highway. *(Previously continued by Staff from the July 6, 2017 Planning Commission hearing; and held by the Planning Commission from their August 1, 2017 hearing until the September 7, 2017 Planning Commission hearing until the October 3, 2017 Planning Commission hearing; continued by Staff until the November 21, 2017 Board of Commissioners hearing)*
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LAND USE PERMITS

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OTHER BUSINESS CASES

ITEM OB-040

To consider amending the site plan and stipulations for Pulte Home Company, LLC regarding rezoning applications Z-111 of 2001, Z-65 of 2003, Z-135 of 2005 and Z-31 of 2007, for property located at the northern terminus of Trumbul Oaks Court, the east side of Providence Club Drive, the southeasterly side of Providence Gate Lane, south of Veterans Memorial Highway in Land Lot 180 of the 18th District. *(Previously continued by staff from the September 19, 2017 and October 17, 2017 Board of Commissioners hearings until the November 21, 2017 Board of Commissioners hearing)*

ITEM OB-045

To consider a site plan and stipulation amendment for Green Park PCH, Incorporated regarding rezoning application Z-44 of 1995 for property located at the west side of Sandy Plains Road, north of Ebenezer Road, in Land Lot 525 of the 16th District (2941 Sandy Plains Road). *(Previously continued by Staff from the October 17, 2017 Board of Commissioners hearing until the November 21, 2017 Board of Commissioners hearing)*

ITEM OB-051

To consider a site plan and stipulation amendment for Racetrac Petroleum, Inc. regarding rezoning case Z-144 of 1997 for property located at the northeast intersection of Dallas Highway and Bob Cox Road, in Land Lot 332 of the 20th District (3350 Dallas Highway). *(Previously continued by the Board of Commissioners from the October 17, 2017 hearing until their November 21, 2017 hearing)*

ITEM OB-052

To consider granting a Special Exception for a reduction of lot size as recommended by the Board of Zoning Appeals from their October 11, 2017 Variance Hearing regarding Variance Application V-100 Folarin A. Johnson.

ITEM OB-053

To consider granting a Special Exception for a reduction of road frontage as recommended by the Board of Zoning Appeals from their October 11, 2017 Variance Hearing regarding Variance Application V-104 Michael D. Fox.

ITEM OB-054

To consider granting a Special Exception for a reduction of lot size as recommended by the Board of Zoning Appeals from their October 11, 2017 Variance Hearing regarding Variance Application V-106 M. Pejman.

ITEM OB-055

To consider a 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).

ITEM OB-056

To consider a site plan amendment for Mark G. Lee regarding rezoning application Z-68 of 1991 (Sue E. Wadsworth), for property located on the west side of Austell-Powder Springs Road at McKay Road, in Land Lot 1019 of the 19th District (4448 Austell-Powder Springs Road).

ITEM OB-057

To consider a site plan amendment for St. Clair Holdings regarding rezoning application #452 of 1984 (Woodlawn Venture), for property located on the west side of Woodlawn Road, south of Woodlawn Parkway in Land Lot 13 of the 1st District (1149 Woodlawn Drive).

ITEM OB-058

To consider amending the site plan and stipulations for Lion Gables Realty Limited Partnership regarding rezoning application Z-40 (D & A Investment Group LLC and Pereira Management LLC) of 2008, for property located on the north side of Paces Ferry Road, west of Overlook Parkway and on the south side of Bert Adams Road in Land Lot 885 of the 17th District.

ITEM OB-059

To consider a 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-060

To consider a settlement of litigation for Victor Nwala Ngon (Z-2 of 2016) for property located on the east side of Austell Road, north of Byers Drive in Land Lot 701 and 702 of the 19th District.

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.”

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