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# ZONING ANALYSIS

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## Planning Commission Public Hearing

February 6, 2018

Chairman Mike Boyce

## Board of Commissioners' Public Hearing

February 20, 2018

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***

**Rob Hosack**

***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!*

**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–February 6, 2018**

**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 17<sup>th</sup> 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; held by the Planning Commission from their December 5, 2017 hearing until the February 6, 2018 Planning Commission hearing)*

**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 16<sup>th</sup> 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, December 5, 2017, and February 6, 2018 Planning Commission hearings until the March 6, 2018 Planning Commission hearing; therefore, this case will not be considered in February)*

- 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 20<sup>th</sup> District. Located on the north side of Old Stilesboro Road, on the west side of Cheatham Road. *(Previously held by the Planning Commission from their November 7, 2017 Planning Commission hearing until the December 5, 2017 Planning Commission hearing; continued by the Planning Commission until the February 6, 2018 Planning Commission hearing)*
- Z-77**      **ASHTON ATLANTA, LLC** (Wildwood Associates, owner) requesting Rezoning from **O&I** to **RM-12** for the purpose of Townhomes in Land Lots 987 and 988 of the 17<sup>th</sup> District. Located on the northeast corner of Windy Hill Road and Wildwood Parkway. *(Previously continued by the Planning Commission from their December 5, 2017 hearing until the February 6, 2018 Planning Commission hearing)*
- Z-81**      **TODD LAVELLE** (Mutt Planet, LLC, owner) requesting Rezoning from **GC** to **NRC** for the purpose of Retail in Land Lot 556 of the 19<sup>th</sup> District. Located on the northeast corner of Austell Road and Dorothy Drive. *(Previously continued by the Planning Commission from their December 5, 2017 hearing until the February 6, 2018 Planning Commission hearing)*
- Z-83**      **LOYD DEVELOPMENT SERVICES** (Anna Prance Hunter as the Executrix of The Estate of Marie Foster Prance, owner) requesting Rezoning from **R-20** to **RA-5** for the purpose of a Single-Family Residential Subdivision in Land Lot 227 of the 16<sup>th</sup> District. Located on the southwest side of Hawkins Store Road, west of Canton Road. *(Previously held by the Planning Commission from their December 5, 2017 hearing until the February 6, 2018 Planning Commission hearing)*

- Z-84**      **RANDY E. PIMSLER** (James E. Jackson, owner) requesting Rezoning from **R-20** to **FST** for the purpose of Townhomes in Land Lot 410 of the 18<sup>th</sup> District. Located on the north side of Hillcrest Drive, east of South Gordon Road. *(Previously continued by the Planning Commission from their December 5, 2017 hearing until the February 6, 2018 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 17<sup>th</sup> District. Located on the northwest side of Terrell Mill Road, west of Powers Ferry Road. *(Previously continued by Staff from the September 7, 2017 and November 7, 2017 Planning Commission hearings; continued by Planning Commission until the February 6, 2018 Planning Commission hearing)*

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

### **Rezoning**

- Z-1**      **MAG TRADING, LLC** (MAG Trading, LLC, owner) requesting Rezoning from **GC** to **NRC** for the purpose of Retail in Land Lot 34 of the 18<sup>th</sup> District. Located on the south side of Veterans Memorial Highway, west of Powell Drive.
- Z-2**      **K & L ASSOCIATES, LLC** (K & L Associates, LLC, owner) requesting Rezoning from **GC** to **LI** for the purpose of an Office and Warehouse in Land Lot 483 of the 18<sup>th</sup> District. Located on the northeast corner of Oak Ridge Road and Oak Ridge Parkway.
- Z-3**      **PUNKY POOH, LLC** (The Estate of Lewis E. Lee, owner) requesting Rezoning from **R-20** to **FST** for the purpose of Fee-Simple Townhouses in Land Lot 37 of the 17<sup>th</sup> District. Located on the west side of Mableton Parkway, south of Glore Circle, and on the east side of Glore Circle.

- Z-4**            **ROBERT M. LICATA** (Pediatric Medical Center of East Cobb, LLC, owner) requesting Rezoning from **LRO** to **NRC** for the purpose of a Restaurant, Retail, Learning Center and Gym in Land Lot 538 of the 16<sup>th</sup> District. Located at the southwest intersection of Johnson Ferry Road and Lassiter Road.
- Z-15**            **TRATON HOMES** (Black Builders, LLC, owner) requesting Rezoning from **R-20** to **RM-8** for the purpose of Townhouses in Land Lot 923 of the 16<sup>th</sup> District. Located on the east side of Lawanna Drive, south of Allgood Road.
- Z-18**            **COBB COUNTY BOARD OF COMMISSIONERS** (Cobb County Board of Commissioners, owner) requesting Rezoning from **GC** to **TS** for the purpose of Retail, Restaurant or other TS uses in Land Lot 370 of the 17<sup>th</sup> District. Located on the southwest side of Atlanta Road, south of Darwin Road.
- Z-19**            **COBB COUNTY BOARD OF COMMISSIONERS** (Cobb County Board of Commissioners, owner) requesting Rezoning from **GC** to **TS** for the purpose of Retail, Restaurant or other TS uses in Land Lot 422 of the 17<sup>th</sup> District. Located on the southwest side of Atlanta Road, north of Ledford Street.

**LAND USE PERMIT**

- LUP-1**            **SHIRLEY STREETMAN** (Paul Lamar Streetman, owner) requesting a **Land Use Permit (Renewal)** for the purpose of a Beauty Shop in Land Lot 236 of the 17<sup>th</sup> District. Located on the east side of Woodview Drive, south of Church Road.



### **SPECIAL LAND USE PERMIT**

**SLUP-3**     **BROOKS CHADWICK CAPITAL, LLC** (Cobb County Board of Education, owner) requesting a **Special Land Use Permit** for the purpose of a Climate Controlled Self-Storage Facility in Land Lots 386, 387, 406 and 407 of the 16<sup>th</sup> District. Located on the east side of Sandy Plains Road, south of Shallowford Road.

### **OTHER BUSINESS**

#### **OTHER BUSINESS #1**

Consider a recommendation to the Board of Commissioners regarding the 2018 Code Amendments for Section 134 of the Cobb County Code.

#### **OTHER BUSINESS #2**

To consider revised item CP-2-7 from the 2018 Comprehensive Plan and Future Land Use Amendments document. The Board of Commissioners voted to hold item CP-2-7 because the subject parcel associated with the item was incorrectly identified. Staff has identified the correct parcel and has revised item CP-2-7 to indicate it as the subject parcel for consideration.

**IMPORTANT NOTE: DUE TO A PROCESS CHANGE, SOME CASES FOR FEBRUARY AND MARCH WERE TAKEN OUT OF ORDER. ALL THE CASES ON THIS AGENDA ARE FOR THE FEBRUARY ZONING CYCLE.**

**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–February 20, 2018**

**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-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 17<sup>th</sup> 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; held by the Planning Commission from their December 5, 2017 hearing until the February 6, 2018 Planning Commission hearing)*

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- Z-85**      **RAHIM JASANI** (Holbrook Investment Company, LP, owner) requesting Rezoning from **GC and NRC** to **NRC** for the purpose of a Convenience Store with Fuel Sales in Land Lot 549 of the 19<sup>th</sup> District. Located on the southern corner of Powder Springs Road and Milford Church Road. *(Previously continued by Staff from the December 19, 2017 Board of Commissioners hearing until the February 20, 2018 Board of Commissioners hearing)*
- Z-87**      **PETROPLEX JOINT VENTURE** (Petroplex Joint Venture LLC, owner) requesting Rezoning from **GC** to **NRC** for the purpose of a Kitchen and Cabinet Showroom in Land Lot 708 of the 16<sup>th</sup> District. Located on the east side of Canton Road, south of Powell Wright Road. *(Previously continued by the Board of Commissioners from their December 19, 2017 hearing until the February 20, 2018 Board of Commissioners hearing)*

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### **AMEND SOMETHING PREVIOUSLY ADOPTED**

Section 25 of the Board of Commissioners' Zoning and Land Use Hearing Procedures adopted January 11, 1994 and last revised October 19, 2004 allows any commissioner to amend an action taken at a previous hearing. A second shall be required and full discussion shall be allowed. A majority vote shall be required for adoption of the amendment. This particular item would be to amend a zoning condition for Z-34 (Josh Thompson) as listed in the official minutes of the November 21, 2017 meeting. An additional stipulation letter needs to be referenced as well as a revision to that same letter. The revised zoning condition should read as follows:

2. Letters of agreeable conditions from Mr. Garvis L. Sams, Jr. dated September 25, 2017, September 29, 2017 and November 15, 2017 (attached and made a part of these minutes) with the following revisions to the September 25, 2017 letter: removal of items 4.c., 4.d., and 4.e. *(Previously continued by the Board of Commissioners from their December 19, 2017 hearing until the February 20, 2018 Board of Commissioners hearing)*

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

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### **OTHER BUSINESS CASES**

#### **ITEM OB-001**

To consider revised item CP-2-7 from the 2018 Comprehensive Plan and Future Land Use Amendments document. On January 16, 2018, the Board of Commissioners conducted a public hearing regarding items contained within the 2018 Comprehensive Plan and Future Land Use Amendments (CPA) document. The Board voted to hold item CP-2-7 because the subject parcel associated with the item was incorrectly identified. Staff has identified the correct parcel and has revised item CP-2-7 to indicate it as the subject parcel for consideration by the Board.

**ITEM OB-002**

To consider a stipulation amendment for Darden Restaurants regarding rezoning application #361 of 1984 for property located on the northeasterly side of Barrett Parkway and Cobb Place Boulevard, in Land Lot 208 of the 20<sup>th</sup> District (1095 Cobb Place Boulevard).

**ITEM OB-003**

To consider a stipulation amendment for Joseph Josey regarding rezoning application Z-44 of 2016 for property located on the east side of Johnson Ferry Road, at Waterfront Drive, in Land Lot 470 of the 16<sup>th</sup> District (3120 Johnson Ferry Road).

**ITEM OB-004**

To consider a site plan and stipulation amendment for Brooks Chadwick Capital, LLC regarding rezoning application Z-53 of 2017 for property located on the east side of Sandy Plains Road, south of Shallowford Road, in Land Lots 386, 387, 406 and 407 of the 16<sup>th</sup> District.

**ITEM OB-005**

To consider a site plan amendment for ALDI, Inc. regarding rezoning application Z-54 of 2001 for property located at the southeast intersection of Floyd Road and Joseph Club Drive, in Land Lot 32 of the 17<sup>th</sup> District.

**ITEM OB-006**

To consider a site plan amendment for Broadstone Windy Ridge, LLC regarding rezoning application Z-27 of 2015 for property located at the southwest intersection of Powers Ferry Road and Windy Ridge Parkway, in Land Lots 985 and 1008 of the 17<sup>th</sup> District (2020 Powers Ferry Road).



**ITEM OB-007**

To consider a stipulation amendment for Duncan Land Investments, LLC regarding rezoning application Z-56 of 2013 for property bounded by Piedmont Road, Fairview Drive, and Bob Bettis Drive in Land Lot 594 of the 16<sup>th</sup> District.

**ITEM OB-008**

To consider amending the zoning stipulations for Black Builders, LLC regarding rezoning application Z-33 of 2013 (Blake Properties, Inc.), for property located on the west side of West Sandtown Road, southwest of Dallas Highway in Land Lots 22 & 23 of the 19<sup>th</sup> District, and Land Lots 331 & 332 of the 20<sup>th</sup> District.

**ITEM OB-009**

To consider a site plan and stipulation amendment for Josh Thompson regarding rezoning application Z-34 of 2017 for property 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, in Land lots 1226 and 1291 of the 19<sup>th</sup> 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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