



Cobb County...Expect the Best!

# COBB COUNTY BOARD OF COMMISSIONERS

## ZONING HEARING SUMMARY AGENDA

July 17, 2018

Continued or Held cases by Planning or Staff- not to be heard			
District	Case	Applicant	Pages
3	Z-56-2017	<b>OAK HALL COMPANIES, LLC</b> (Previously continued by Staff from the September 7, 2017 through May 1, 2018 Planning Commission hearing; held by the Planning Commission until the July 3, 2018 Planning Commission hearing; continued by staff until the August 7, 2018 Planning Commission hearing)	22-53
1	Z-8-2018	<b>LOYD DEVELOPMENT SERVICES</b> (Previously continued by Staff from the March 6, 2018 through the July 3, 2018 Planning Commission hearings until the August 7, 2018 Planning Commission hearing)	74-88
2	Z-20-2018	<b>ELEVATION DEVELOPMENT GROUP, LLC</b> (Previously continued by Staff from the April 3, 2018 and May 1, 2018 Planning Commission hearings until the August 7, 2018 Planning Commission hearing)	90-109
1	Z-21-2018	<b>W. REED KONIGSMARK</b> (Previously continued by Staff from the April 3, 2018, May 1, 2018, June 5, 2018 and July 3, 2018 Planning Commission hearings until the August 7, 2018 Planning Commission hearing)	112-142
4	Z-26-2018	<b>AUSTELL COSMETIC DENTISTRY</b> (Previously continued by Staff from the May 1, 2018 Planning Commission hearing until the August 7, 2018 Planning Commission hearing)	144-160
4	Z-32-2018	<b>INLINE COMMUNITIES, LLC</b> (Previously continued by Staff from the June 19, 2018 and July 3, 2018 Planning Commission hearings until the August 7, 2018 Planning Commission hearing)	198-213
2	Z-37-2018	<b>WINCHESTER PARKWAY, LLC</b> (Held by the Planning Commission until the August 7, 2018 Planning Commission hearing)	236-253
4	Z-39-2018	<b>MABLETON CENTER, INC.</b> (Continued by Staff until the August 7, 2018 Planning Commission hearing)	274-293
3	Z-40-2018	<b>JIM CHAPMAN COMMUNITIES</b> (Continued by Staff until the September 4, 2018 Planning Commission hearing)	296-313
2	Z-42-2018	<b>CHANCE POWERS FERRY, LLC</b> (Held by the Planning Commission until the August 7, 2018 Planning Commission hearing)	336-349
1	Z-43-2018	<b>CENTURY COMMUNITIES OF GEORGIA, LLC</b> (Continued by Staff until the August 7, 2018 Planning Commission hearing)	352-366
1	Z-44-2018	<b>TRATON HOMES, LLC</b> (Continued by Staff until the August 7, 2018 Planning Commission hearing)	368-386
2	OB-028-2018	<b>REYES MORALES</b> (Continued by Staff until the August 21, 2018 Board of Commissioners hearing)	N/A
4	OB-32-2018	<b>GURSHARAN S. PANNU</b> (Continued by Staff until the August 21, 2018 Board of Commissioners hearing)	N/A
1	OB-34-2018	<b>TCP INVESTMENTS, LLC</b> (Continued by Staff until the August 21, 2018 Board of Commissioners hearing)	N/A
4	OB-35-2018	<b>BUCKNER CROSSROADS, LLC</b> (Continued by Staff until the August 21, 2018 Board of Commissioners hearing)	N/A

Withdrawn Case			
District	Case	Applicant	Pages
4	Z-3-2018	<b>PUNKY POOH, LLC</b> <i>(Previously continued by the Planning Commission from their February 6, 2018 hearing through the May 1, 2018 Planning Commission hearing; held by the Planning Commission until the July 3, 2018 Planning Commission hearing)</i> <b>WITHDRAWN WITHOUT PREJUDICE</b>	56-71

Consent Agenda cases				
District	Case	Applicant	Oppose/ Support	Pages
4	Z-30-2018	<b>THE KEY AUTO COLLISION</b> <i>(Continued by Staff until the July 3, 2018 Planning Commission hearing)</i>		180-196
2	Z-38-2018	<b>MEQUITY ACQUISITIONS, LLC</b>		256-272
4	Z-41-2018	<b>SHREE MANDIR, INC.</b>		316-333
1	Z-45-2018	<b>LOST MOUNTAIN NURSERY, INC.</b>		388-403
2	Z-46-2018	<b>ROB ANAGNOSTIS</b>		406-424
4	LUP-08-2018	<b>JEFFERY C. SMITH</b>		428-440
2	SLUP-06-2018	<b>MEQUITY ACQUISITIONS, LLC</b>		444-462
2	OB-33-2018	<b>BRED CO, INC</b>		N/A

Held case - to be heard			
District	Case	Applicant	Pages
3	Z-29-2018	<b>ANE INVESTMENTS, LLC</b> <i>(Held by Board of Commissioners from the June 19, 2018 hearing)</i>	162-178

Regular case				
District	Case	Applicant	Oppose/ Support	Pages
3	Z-36-2018	<b>EDGARDO RIVERA AGUILERA</b>		218-233

Other Business cases				
District	Case	Applicant	Oppose/ Support	Pages
2	OB-36-2018	<b>VININGS STORAGE, LLC</b>		
3	OB-37-2018	<b>TERWILLIGER PAPPAS C/O GREG POWERS</b>		



Cobb County...Expect the Best!

## COBB COUNTY BOARD OF COMMISSIONERS

---

### ZONING HEARING CONSENT AGENDA

July 17, 2018

#### Zoning Cases

**Z-30 THE KEY AUTO COLLISION** (Jimmy R. Harrison, owner) requesting Rezoning from **GC and R-20** to **HI** for the purpose of an Auto Body Collision Shop in Land Lot 34 of the 18<sup>th</sup> District. Located on the west side of Powell Drive, south of Sydney Ann Boulevard. *(Previously continued by Staff from the June 5, 2018 Planning Commission hearing until the July 3, 2018 Planning Commission hearing)*. The Planning Commission recommends deletion to **NRC** subject to:

1. Site plan received by the Zoning Division on February 28, 2018, (on file in the Zoning Division), with the following changes:
  - A. The abandoned gas pump and underground storage tank to be removed within 60 days of Board of Commissioners' final decision
  - B. The metal trailer, fenced frame awning and wood shed in the northwest corner of the site to be removed within 60 days of Board of Commissioners' final decision
  - C. The area covered by awning attached to the east of the main building may be converted to an enclosed building; **NOTE:** building permits are required for the conversion
2. For the following uses *only*:
  - A. Light automotive repair establishment
  - B. Emissions and inspection stations
  - C. Nonautomotive repair service establishments
  - D. Office service and supply establishments
  - E. Special exception use of Specialized Contractors, with District Commissioner approval of occupants
  - F. Special exception use of Automotive Paint and Body Repair Shop for Applicant *only*
3. If Code Enforcement issues a notice of violation related to the Automotive Paint and Body Repair Shop use and code violations are not corrected within 10 days, then the Zoning Division Manager may post the property and schedule a Show Cause hearing before the Board of Commissioners to consider additional restrictions or elimination of the special exception uses
4. Outdoor storage allowed only under the canopy area attached to the western portion of the building; the area to be fenced to contain storage under the roof; outdoor storage is only for the temporary storage of scrap materials awaiting pickup for recycling

(Continued on the next page)

**Z-30 THE KEY AUTO COLLISION (continued)**

5. Parking plan to be submitted for approval by the Zoning Division Manager within 30 days of Board of Commissioners' final decision; parking lot to be patched as needed and striped in accordance with the approved parking plan within 60 days of the Board of Commissioners' final decision; all vehicles to be parked in striped spaces in accordance with county ordinance
6. All vehicles parked outside to have current registration with the exception that up to three vehicles which do not have current registration may be parked on the property for a maximum of 30 days; all vehicles currently located on the property that don't have current registration to be removed within 30 days of the Board of Commissioners' final decision
7. All dumpsters to be located within a masonry dumpster enclosure with steel gates which conform to county Development Standards
8. All repair work and painting to be done inside the building; the paint booth to be located inside the enclosed portion of the building
9. Waive side setback from required 15 feet to four feet adjacent to the northern property line for existing building *only*
10. Waive the maximum allowable impervious surface from 70% to 99% for existing improvements *only*
11. No vehicle storage allowed on the property
12. The District Commissioner may approve minor modifications, *except* for those that:
  - A. increase the overall building square footage
  - B. change that is in conflict with an expressed stipulation or condition of zoning
  - C. requires a variance or violates Cobb County Ordinance
13. Staff comments and recommendations, *not otherwise in conflict*
14. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on July 17, 2018

**Z-38 MEQUITY ACQUISITIONS, LLC** (2141 PF, LLC, owner) requesting Rezoning from **O&I** to **RRC** for the purpose of a Climate-Controlled Self-Service Storage Facility in Land Lots 1056 and 1057 of the 17<sup>th</sup> District. Located off a private easement on the northeast side of Powers Ferry Road and on the north side of Interstate North Parkway. The Planning Commission recommends approval subject to:

(Continued on the next page)

**Z-38 MEQUITY ACQUISITIONS, LLC (continued)**

1. Site plan received by the Zoning Division on May 11, 2018, with the District Commissioner approving minor modifications (on file in the Zoning Division)
2. Letters of agreeable conditions from Mr. Garvis L. Sams, Jr. dated May 11, 2018 and June 25, 2018 (on file in the Zoning Division)
3. Use is limited to a Climate-Controlled Self-Service Storage Facility *only*
4. Variances listed in the Zoning Division comments and recommendations
5. Water and Sewer Division comments and recommendations
6. Stormwater Management Division comments and recommendations
7. Department of Transportation comments and recommendations
8. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on July 17, 2018

**Z-41 SHREE MANDIR INC.** (Shree Mandir Inc., owner) requesting Rezoning from **R-20 and GC** to **GC** for the purpose of an Assembly Hall and Warehouse/Storage in Land Lot 107 of the 17<sup>th</sup> District. Located on the north side of Lions Club Drive, west of Glore Drive. The Planning Commission recommends deletion to **LRO** subject to:

1. Letter of agreeable conditions from Mr. Adam J. Rozen dated June 26, 2018 (on file in the Zoning Division)
2. The following uses *only*:
  - A. Houses of Worship
  - B. Nursery Schools and child day care centers
  - C. Professional offices
3. Waive the LRO architectural restrictions for the existing building
4. Any variances necessary for the as-built condition
5. A minimum of 60 parking spaces to be provided for existing conditions; Zoning Division Manager to determine parking requirements of any additional occupants and said occupants will only be allowed if Zoning Division Manager determines adequate parking is available
6. If a commercial use of the property is approved, Zoning Division to notify the Tax Commissioner of the non-exempt use of the property
7. All days referenced in these stipulations shall be from the Board of Commissioners' final determination of this application

(Continued on the next page)

**Z-41 SHREE MANDIR INC. (continued)**

8. A Landscape Oversight Committee shall be formed by the Applicant; the committee shall consist of one member from the Applicant, one member from the Mableton Improvement Coalition, and one member from Community Development; a landscape plan, which has been approved by the Landscape Oversight Committee, shall be presented to the District Commissioner for final approval within 90 days; all landscaping shall be fully installed within 180 days
9. A minimum of a 10-foot wide landscape enhancement strip shall be installed adjacent to the Lions Club Drive right-of-way
10. Department of Transportation to approve the number and location of commercial driveways allowed on Lions Club Drive; Applicant shall remove all excess paving from the right-of-way and replace with appropriate landscape treatment, as determined by DOT, within 180 days
11. Applicant to submit a parking plan to the Zoning Division for approval within 180 days; Applicant shall repave and stripe the parking lot with 365 days; NOTE: due to the poor condition of the existing paving, repaving is required
12. Building to be repainted with 365 days; building color to be approved by the District Commissioner
13. Loading dock truck well to be removed and filled to parking lot grade level within 365 days; area to be paved or landscaped
14. All other debris on the property to be removed within 10 days
15. The District Commissioner may approve minor modifications, *except* for those that:
  - A. increase the overall building square footage
  - B. cause a reduction in the size of an approved buffer
  - C. change that is in conflict with an expressed stipulation or condition of zoning
  - D. requires a variance or violates Cobb County Ordinance
16. Staff comments and recommendations, *not otherwise in conflict*
17. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on July 17, 2018

**Z-45**      **LOST MOUNTAIN NURSERY, INC.** (Lost Mountain Nursery, Inc., owner) requesting Rezoning from **R-30** to **NRC** for the purpose of a Retail Plant Nursery in Land Lots 80 and 143 of the 19<sup>th</sup> District. Located on the south side of Dallas Highway and on the north side of Poplar Springs Road. The Planning Commission recommends deletion to a **Special Land Use Permit** subject to:

1. **For this Applicant and this use *only***
2. **As-built drawing as shown in the Zoning Analysis (on file in the Zoning Division)**
3. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on July 17, 2018**

**Z-46**      **ROB ANAGNOSTIS** (Irving C. Hoffman and Barbie Spear Hoffman; Tabacon, LLC, owners) requesting Rezoning from **R-20** to **RA-5** for the purpose of Single-Family Residential Subdivision in Land Lot 694 of the 17<sup>th</sup> District. Located on the northwest corner of Cooper Lake Road and Weaver Street. The Planning Commission recommends approval subject to:

1. **Site plan received by the Zoning Division on May 2, 2018, with the District Commissioner approving minor modifications (on file in the Zoning Division)**
2. **Lots will be no less than 50 feet in width at the building line**
3. **Lots will be a minimum of 7,000 square feet**
4. **Final home elevations, including the maximum height of the houses, not to exceed 35 feet, to be approved by the District Commissioner**
5. **The homes will have a minimum of a two-car garage and shall have a minimum of 2,500 square feet of heated and cooled living area**
6. **Landscape plan to be reviewed by the County Arborist which includes fencing and plantings sufficient to screen proposed alley from adjacent neighbors to the west, with final approval by the District Commissioner**
7. **Applicant and/or developer to contribute to the county \$8,000 per lot which represents a proportional share of the cost of improvements Cobb County has made to the right-of-way**
8. **Applicant to establish a mandatory Home Owner's Association (HOA) with restrictive covenants**



**Z-46            ROB ANAGNOSTIS (Continued)**

9. When a house is vacated, the owner will immediately place a “No Trespassing” sign on the property and will board the house up within 30 days
10. All septic tanks will be pumped out by a plumbing company before grading the lots
11. Applicant agrees to adhere to the Noise Ordinance relative to construction
12. Detention pond wall(s), if required, are to be faced with stone or other decorative material compatible with the home exteriors; if fence is required around all or part of the detention pond, it shall be constructed of decorative wrought iron or cast aluminum
13. Individual home driveways (between the common driveway and each home) to be constructed of permeable pavers to reduce the project impervious surface
14. Variances as listed in the Zoning Division comments and recommendations, with the following changes:
  - A. The impervious surface limitation requirement of 40% to be adhered to by the developer/builder
  - B. Delete Variance No. 3.
  - C. Delete Variance No. 5.
15. Historic Preservation comments and recommendations
16. Fire Department comments and recommendations, *not otherwise in conflict* with approved site plan
17. Water and Sewer Division comments and recommendations
18. Stormwater Management Division comments and recommendations
19. Department of Transportation comments and recommendations
20. Inclusion on the Consent Agenda for the Board of Commissioners’ Zoning Hearing on July 17, 2018

## **LAND USE PERMIT**

**LUP-8**      **JEFFERY C. SMITH** (Jeffery C. Smith and Julian W. Smith, owners) requesting a **Land Use Permit (Renewal)** for the purpose of Selling Produce in Land Lot 1054 of the 19<sup>th</sup> District. Located on the northeast side of Austell Powder Springs Road, south of Mckay Road. The Planning Commission recommends approval for 24-months subject to:

1. **Fruit stand to be maintained at the side of the primary structure;**
2. **Off-street parking and turn around space to be provided to the side and rear of the existing structures;**
3. **Business activity limited to spring and summer months; and**
4. **Department of Transportation comments and recommendations.**
5. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on July 17, 2018**

## **SPECIAL LAND USE PERMIT**

**SLUP-6**      **MEQUITY ACQUISITIONS, LLC** (2141 PF, LLC, owner) requesting a **Special Land Use Permit** for the purpose of a Climate-Controlled Self-Service Storage Facility in Land Lots 1056 and 1057 of the 17<sup>th</sup> District. Located off a private easement on the northeast side of Powers Ferry Road and on the north side of Interstate North Parkway. The Planning Commission recommends approval subject to:

1. **Site plan received by the Zoning Division on May 11, 2018, with the District Commissioner approving minor modifications (on file in the Zoning Division)**
2. **Letters of agreeable conditions from Mr. Garvis L. Sams, Jr. dated May 11, 2018 and June 25, 2018 (on file in the Zoning Division)**
3. **Use is limited to a Climate-Controlled Self-Service Storage Facility *only***
4. **District Commissioner to approve final architecture**
5. **Water and Sewer Division comments and recommendations**
6. **Stormwater Management Division comments and recommendations**
7. **Department of Transportation comments and recommendations**
8. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on July 17, 2018**

## **OTHER BUSINESS**

### **ITEM OB-033**

To consider a stipulation amendment for BRED CO, LLC regarding Z-44 of 2014, for property located on the south side of Circle 75 Parkway and on the north side of Interstate 285 in Land Lots 914 and 915 the 17<sup>th</sup> District. Staff recommends approval subject to:

- 1. Tract "H" permitted to increase the building height 120-feet above the stipulated maximum height as stated in the Other Business application.**
- 2. All previous stipulations not in conflict with this amendment to remain in effect.**