## Zoning Analysis

## Planning Commission **Public Hearing**

July 3, 2018

### Board of Commissioners' Public Hearing

July 17, 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 Andy Smith 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 of 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.

# COBB COUNTYZONING HEARING AGENDA Planning Commission—July 3, 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-56**<sup>'17</sup> **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, 27, 46 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, November 7, 2017, December 5, 2017, February 6, 2018, March 6, 2018, April 3, 2018 Planning Commission hearings until the May 1, 2018 Planning Commission hearing)
- **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. (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)

- Z-8 LOYD DEVELOPMENT SERVICES (Item Six Residuary Trust, owner) requesting Rezoning from SC to RA-5 (detached) for the purpose of a Residential Subdivision in Land Lots 339 and 402 of the 19<sup>th</sup> District. Located off a private easement on the east side of John Ward Road, west of Powder Springs Road, and on the north side of Macland Road. (Previously continued by Staff from the March 6, 2018 through the May 1, 2018 Planning Commission hearings until the July 3, 2018 Planning Commission hearing)
- **Z-20 ELEVATION DEVELOPMENT GROUP, LLC** (Overlook Partners, LLC, owner) requesting Rezoning from **O&I** to **RRC** for the purpose of a Mixed-Use Development in Land Lots 782 and 783 of the 17<sup>th</sup> District. Located on the southeast side of Terrell Mill Road, across from Waterfall Village Drive, and the west side and west terminus of Water Place. (*Previously continued by Staff from the April 3, 2018 and May 1, 2018 Planning Commission hearing*)
- **Z-21 W. REED KONIGSMARK** (Jaynie B. Pickens, Isaac Watson, owners) requesting Rezoning from **R-30** to **R-20/OSC** for the purpose of a Single-Family Subdivision in Land Lots 80, 143 and 144 of the 19<sup>th</sup> District. Located on the southeast side of Dallas Highway, and on the northwest side of Poplar Springs Road. (*Previously continued by Staff from the April 3, 2018 and May 1, 2018 Planning Commission hearing)*
- **Z-26 AUSTELL COSMETIC DENTISTRY** (Austell Cosmetic Dentistry, owner) requesting Rezoning from **NRC and LRO** to **RSL** for the purpose of Senior Independent Living in Land Lots 993 and 1006 of the 19<sup>th</sup> District. Located on the east side of Austell Road, south of Anderson Mill Road. (Previously continued by Staff from the May 1, 2018 Planning Commission hearing)

- **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*)
- **Z-32 INLINE COMMUNITIES, LLC** (Barbara Brickley Taylor, owner) requesting Rezoning from **R-20** to **RSL** for the purpose of Residential Senior Living (Non-Supportive) in Land Lots 579, 605 and 606 of the 19<sup>th</sup> District. Located on the east side of Old Lost Mountain Road, on the north side of Meek Road, and south of Gaydon Meadows Drive. (Previously continued by Staff from the June 5, 2018 and July 3, 2018 Planning Commission hearing)

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

### <u>Rezonings</u>

- **Z-36 EDGARDO RIVERA AGUILERA** (Edgardo Rivera-Aguilera, owner) requesting Rezoning from **GC and R-20** to **R-20** for the purpose of a Single-Family House in Land Lot 295 of the 17<sup>th</sup> District. Located on the east side of Fair Oaks Avenue, south of Austell Road.
- **Z-37 WINCHESTER PARKWAY, LLC** (Winchester Partners, L.P., owner) requesting Rezoning from **O&I** to **UVC** for the purpose of Mixed-Use/Retail and Residential in Land Lot 765 of the 17<sup>th</sup> District. Located on the east side of Winchester Parkway, north of Atlanta Road, and on the west side of I-285.

- **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, on the north side of Interstate North Parkway.
- **Z-39 MABLETON CENTER, INC.** (Jimmy D. Hester, owner) requesting Rezoning from **R-20 and GC** to **NRC** for the purpose of a Place of Worship, Retail or Office 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-40 JIM CHAPMAN COMMUNITIES** (Multiple Titleholders on file in the Zoning Division) requesting Rezoning from **R-20** to **RSL** (Non-Supportive) for the purpose of Age Restricted/Independent Senior Living in Land Lots 284 and 285 of the 16<sup>th</sup> District. Located on the north side of North Booth Road, the west side of Bells Ferry Road, and the southeasterly side of I-575.
- **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.
- **Z-42** CHANCE POWERS FERRY, LLC (Powers Ferry Woods Office Limited Partnership, J. Houston Lennard and Celeste Coggin Lennard, owners) requesting Rezoning from **O&I** to **RRC** for the purpose of a Mixed-Use Development in Land Lots 1008 and 1009 of the 17<sup>th</sup> District. Located on the west side of Shadowood Parkway, south of Powers Ferry Road.

- Z-43 CENTURY COMMUNITIES OF GEORGIA, LLC (Estate of Bernard E. Inhulsen; Karen Savage Landers, owners) requesting Rezoning from R-80 to RSL (Non-Supportive) for the purpose of a Residential Senior Living Subdivision in Land Lots 386 and 429 of the 19<sup>th</sup> District. Located on the northeast side of Lost Mountain Road, north of Macland Road.
- **Z-44 TRATON HOMES, LLC** (Estate of Leone Hall Price, a/k/a Leone Hall Johnson, owner) requesting Rezoning from **R-20/OSC** and **R-30/OSC** to **RSL** (Non-Supportive) for the purpose of a Residential Senior Living Subdivision in Land Lots 195 and 196 of the 20<sup>th</sup> District. Located on the east side of Mars Hill Road, north of Stilesboro Road.
- **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.
- **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.

### **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.

### **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, on the north side of Interstate North Parkway.

#### 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–July 17, 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-56**<sup>'17</sup> **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, 27, 46 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, November 7, 2017, December 5, 2017, February 6, 2018, March 6, 2018, April 3, 2018 Planning Commission hearings until the May 1, 2018 Planning Commission hearing)
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- **ANE INVESTMENTS, LLC** (ANE Investments, LLC, owner) requesting Rezoning from **GC** to **CRC** for the purpose of an Auto Repair, Auto Restoration and Motorcycle Repair Shop in Land Lots 60, 61 and 84 of the 16<sup>th</sup> District. Located on the south side of Jamerson Road, west of Canton Road. (Held by the Board of Commissioners from the June 19, 2018 hearing until the July 17, 2018 hearing)
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### LAND USE PERMITS

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### **OTHER BUSINESS CASES**

### **ITEM OB-028**

To consider a stipulation amendment for Reyes Morales regarding rezoning application #59 of 1981 for property located on the west side of Clearwater Drive and on the north side of Hamilton Place in Land Lot 720 of the 17<sup>th</sup> District (1977 Hamilton Place). (Continued by the staff from the June 19, 2018 and July 17, 2018 hearing)

### **ITEM OB-032**

To consider a stipulation amendment for Gursharan S. Pannu regarding rezoning application Z-57 of 1997 for property located on the southwesterly side of Veterans Memorial Highway, north of Hickory Trail in Land Lot 69 of the 18<sup>th</sup> District.

### **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.

### **ITEM OB-034**

To consider a reduction of minimum lot size for proposed lot #5, from 30,000 square-feet to 25,281 square-feet for TCP Investments, LLC for property located on the north side of Holland Road, south of Sunburst Drive, in Land Lot 340 of the 20<sup>th</sup> District.

### **ITEM OB-035**

To consider a site plan and stipulation amendment for Buckner Crossroads, LCC regarding rezoning application Z-24 of 2009 for property located at the northwesterly intersection of Veterans Memorial Highway and Buckner Road in Land Lots 68 and 165 of the 18<sup>th</sup> District.

### **ITEM OB-036**

To consider a site plan approval for Vinings Storage, LCC regarding rezoning application Z-16 and SLUP-4 of 2018 for property located on the north side of Mount Wilkinson Parkway, on the east side of Spring Hill Parkway and on the west side of I-285 Land Lot 844 of the 17<sup>th</sup> District.

### **ITEM OB-037**

To consider a site plan amendment for Terwilliger Pappas c/o Greg Power regarding rezoning application Z-73 of 2013 and Z-26 of 2007, for property located on the south side of Grace Street and on the west side of Hidden Forest Court in Land Lots 507 of the 16<sup>th</sup> District.

<u>NOTE</u>: "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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Hearing on said petitions will be heard by the Cobb County 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.

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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.

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