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# ZONING ANALYSIS

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## Planning Commission Public Hearing

October 7, 2014

## Board of Commissioners' Public Hearing

October 21, 2014

Prepared by:  
**COBB COUNTY**  
**PLANNING AND ZONING DIVISIONS**

***COBB COUNTY BOARD OF COMMISSIONERS***

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***COMMUNITY DEVELOPMENT DEPARTMENT***

**Robert Hosack, 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 – October 7, 2014**

**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-2**      **ISAKSON LIVING COMMUNITIES, LLC** (Wylene S. Tritt, owner) requesting Rezoning from **R-20** to **CCRC** for the purpose of a Continuing Care Retirement Facility in Land Lots 965 and 966 of the 16<sup>th</sup> District. Located on the south side of Roswell Road, across from Providence Road, and west of Robinson Road (3540 Roswell Road). *(Continued by Staff until the November 4, 2014 Planning Commission hearing; therefore will not be considered at this hearing)*
- Z-45**      **MCP-ACKERMAN CORPORATE FORUM, LLC** (owner) requesting Rezoning from **GC** to **RRC** for the purpose of a Mixed Use Development in Land Lots 850, 851, 876 and 877 of the 17<sup>th</sup> District. Located on the southwest side of Circle 75 Parkway, south of Windy Hill Road (4501 Circle 75 Parkway). *(Previously continued by Staff until the October 7, 2014 Planning Commission hearing)*
- Z-50**      **GEORGIA KIDS PROJECT, LLC** (AGWC Holding, Inc., Liberty Church, Inc., and Carpenter Braselton, Inc., owners) requesting Rezoning from **NRC, GC** and **OS** to **CRC** for the purpose of Indoor and Outdoor Recreational Facilities in Land Lots 660 and 709 of the 16<sup>th</sup> District. Located on the west side of Canton Road, north of Sylvan Drive. *(Continued by Staff until the November 4, 2014 Planning Commission hearing; therefore will not be considered at this hearing)*  
**WITHDRAWN WITHOUT PREJUDICE**
- Z-54**      **BELMONT ASSOCIATES, LLC** (Madge H. Duncan Estate, and Our Future Is Bright, LLLP, owners) requesting Rezoning from **RM-8** and **R-20** to **RM-8** for the purpose of a Single-Family Subdivision and Townhomes in Land Lots 699 and 742 of the 17<sup>th</sup> District. Located on the east side of Atlanta Road, south of Jane Lyle Road. *(Continued by Staff until the November 4, 2014 Planning Commission hearing; therefore will not be considered at this hearing)*



- Z-56**      **BROOKS CHADWICK, LLC** (Kenneth B. Clary, owner) requesting Rezoning from **R-30** to **RM-8** for the purpose of Townhouses in Land Lots 468 and 469 of the 16<sup>th</sup> District. Located on the south side of Shallowford Road, east of Johnson Ferry Road. *(Previously continued by Staff until the October 7, 2014 Planning Commission hearing)*
- Z-61**      **CAPITAL CITY VIEW HOMES, LLC** (Nasreen Rafiq, Mohammad Goshayeshi and Esrafil Hervani, owners) requesting Rezoning from **R-20** to **RA-5** for the purpose of Single-Family Residential in Land Lot 8 of the 1<sup>st</sup> District. Located on the northwest side of Woodlawn Drive, north of Powers Road (333 Woodlawn Drive). *(Previously continued by staff until the October 7, 2014 Planning Commission hearing).*
- SLUP-14**    **MUNICIPAL COMMUNICATIONS, LLC** (River Heights Exchange, LLC, owner) requesting a **Special Land Use Permit** for the purpose of Wireless Communications Tower and Antennas in Land Lots 1085 and 1086 of the 17<sup>th</sup> District. Located on the southeast side of River Heights Crossing, northeast of Riverlook Parkway (3702 River Heights Crossing). *(Previously continued by Staff)*
- SLUP-17**    **JUBILEE CHRISTIAN CHURCH INTL. GLORY AND TABERNACLE, INC.** (owner) requesting a **Special Land Use Permit** for the purpose of School, Worship Services and Pre-K Program in Land Lot 717 of the 19<sup>th</sup> District. Located on the north side of Macedonia Road, east of Hopkins Road (3000 and 3066 Macedonia Drive). *(Previously continued by Staff until the October 7, 2014 Planning Commission hearing)*

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

### **Rezoning**

- Z-64**      **REO THI PHAM** (owner) requesting Rezoning from **GC** to **O&I** for the purpose of a Clinic and Professional Offices in Land Lot 993 of the 19<sup>th</sup> District. Located on the north side of Anderson Mill Road, west of Austell Road (1840 and 1850 Anderson Mill Road).

- Z-65**      **CUELLAR AUTO REPAIR** (Walter Cuellar and Gabriel Cuellar, owners) requesting Rezoning from **GC** and **R-20** to **LI** for the purpose of Auto Repair, Courier Business and U-Haul Business in Land Lot 370 of the 17<sup>th</sup> District. Located on the southwest side of Atlanta Road, south of Darwin Road (1700 Atlanta Road).
- Z-66**      **SHERRY FINCH** (Sherry K. Finch and Kenneth W. Finch, owners) requesting Rezoning from **GC** to **RD** for the purpose of a Residential Duplex in Land Lot 225 of the 17<sup>th</sup> District. Located on the east side of Knox Drive, south of Austell Road (1601 Knox Drive).
- Z-67**      **MT. HARMONY BAPTIST CHURCH, INC.** (owner) requesting Rezoning from **R-20** and **R-15** to **GC** for the purpose of a Church (Existing) With An Electronic Reader Board Sign in Land Lots 47 and 48 of the 18<sup>th</sup> District. Located on the northeast side of Veterans Memorial Highway, east of Pebblebrook Road (561 Veterans Memorial Highway).
- Z-68**      **GARRISON OAKS HOMEOWNERS ASSOCIATION** (owner) requesting Rezoning from **R-15** to **R-15 with Stipulations** for the purpose of an Addition to Recreation Area in Land Lot 33 of the 1<sup>st</sup> District and Land Lot 253 of the 16<sup>th</sup> District. Located on the east side of Defender Way, and the west side of Mabry Road.
- Z-69**      **OWF INVESTMENT CORP.** (Harry E. Anderson, Brenda J. Southern, Mark F. Haman, and Lisa J. Haman, owners) requesting Rezoning from **R-20** to **R-15** for the purpose of a Residential Subdivison in Land Lots 987 and 988 of the 16<sup>th</sup> District. Located on the west side of Sewell Mill Road, south of Braswell Road (2269 Sewell Mill Road, and 991 and 1021 Braswell Road).
- Z-70**      **DALBAG SINGH** (Dalbag Singh and Baljeet Kaur, owners) requesting Rezoning from **R-20** to **R-15** for the purpose of Three Single-Family Lots in Land Lot 780 of the 16<sup>th</sup> District. Located at the southeast intersection of Walter Road and Plainview Drive, west of Canton Road (1832 Walter Road).

- Z-71**      **CCL ASSOCIATES, LLC** (Northwest Christian Church, Inc, owner) requesting Rezoning from **R-20** to **RSL** for the purpose of Residential Senior Living in Land Lots 390 and 391 of the 16<sup>th</sup> District. Located at the north intersection of Shallowford Road and Wesley Chapel Road, and on the south side of Fricks Road (3535 Shallowford Road).
- Z-72**      **LUBIN A. TRIVINO** (Lubin A. Trivino and Aura Trivino, owners) requesting Rezoning from **NS** to **NRC** for the purpose of a Restaurant in Land Lot 202 of the 17<sup>th</sup> District. Located on the south side of Windy Hill Road, east of Sandtown Road (186 Windy Hill Road).
- Z-73**      **VENTURE HOMES, INC.** (RMR Investments, LLLP, owner) requesting Rezoning from **R-20, PSC, and GC** to **RA-5** for the purpose of a Residential Subdivision in Land Lot 16 of the 17<sup>th</sup> District and Land Lot 556 of the 19<sup>th</sup> District. Located on the southeasterly side of Austell Road, north of Callaway Road, and on the west side of Hicks Road, south of Austell Road.
- Z-74**      **TARGET CORPORATION** (Target Corporation, Successor by Merger with Dayton Hudson Corporation, owner) requesting Rezoning from **CRC** to **CRC with Stipulations** for the purpose of a Restaurant with Drive-Thru in Land Lot 387 of the 16<sup>th</sup> District. Located on the south side of Shallowford Road, east of Sandy Plains Road.
- Z-75**      **PULTE HOME CORPORATION** (Cash Family Limited Partnership, owner) requesting Rezoning from **LI** to **RM-8** for the purpose of Townhomes in Land Lot 691 of the 17<sup>th</sup> District. Located on the northeast side of South Cobb Drive, on the north side of Wright Road, and on the west side of Oakdale Road.
- Z-76**      **VENTURE HOMES, INC.** (MB REO-GA LAND, LLC, owner) requesting Rezoning from **LRO** to **FST-6** for the purpose of a Residential Subdivision in Land Lots 924 and 927 of the 19<sup>th</sup> District. Located on east side of Floyd Road, south of East-West Connector.

**Z-77**      **KEVIN CASEBIER C/O SHAMROCK SHELL, LLC** (Shamrock Shell, LLC, owner) requesting Rezoning from **NS** and **R-20** to **NRC** for the purpose of a Restaurant with Drive-Thru in Land Lots 338 and 339 of the 16<sup>th</sup> District. Located at the southeast intersection of Shallowford Road and Trickum Road (2378 Shallowford Road).

### **Land Use Permits**

**LUP-31**      **WINDEE L. COLBERT** (Stephen Michael Colbert and Windee L. Colbert, owners) requesting a **Land Use Permit** for the purpose of a Firearms Dealer in Land Lot 197 of the 16<sup>th</sup> District. Located on the east side of Keheley Road, south of Millhouse Landing (4216 Keheley Road).

**LUP-32**      **JAMES LARRY BARMORE** (owner) requesting a **Land Use Permit** for the purpose of an Antique Shop in Land Lot 337 of the 19<sup>th</sup> District. Located on the southeast side of Powder Springs Road, east of Callaway Road (1379 Powder Springs Road).

**LUP-33**      **ROSE CATHERIN** (owner) requesting a **Land Use Permit (Renewal)** for the purpose of Allowing More Adults than Permitted by Code in Land Lots 1244 of the 16<sup>th</sup> District. Located on the northeast side of Hazelwood Drive, west of Yancy Drive (1947 Hazelwood Drive).

### **Special Land Use Permits**

**SLUP-19**      **WEST COBB SPORTS COMPLEX** (Due to individual parcels, a complete list of titleholders is available in the Zoning Office) requesting a **Special Land Use Permit** for the purpose of a Non-Profit Community Center in Land Lots 427 and 462 of the 19<sup>th</sup> District. Located at the northeast intersection of Macland Road and Villa Rica Road, and on the west side of Wilkins Circle.

**SLUP-20** **PETROLEUM REALTY V, LLC** (owner) requesting a **Special Land Use Permit** for the purpose of a Freestanding Ice and Water Machine in Land Lots 333, 334, and 387 of the 16<sup>th</sup> District. Located at the northeast intersection of Shallowford Road and Gordy Parkway (3065 Shallowford Road).

### **HELD CASES**

**Z-48** **DAVID PEARSON COMMUNITIES, INC.** (Elizabeth D. Pearson, owner) requesting Rezoning from **LRO** to **FST** for the purpose of Detached Single-Family Townhomes in Land Lots 629 and 630 of the 16<sup>th</sup> District. Located on the south side of First Drive, east of Sandy Plains Road (1955 First Drive). *(Previously continued by the Planning Commission from their July 1, 2014 hearing, previously continued by Staff from the August 5, 2014 Planning Commission hearing, and previously held by the Planning Commission from their September 4, 2014 hearing)*

### **OTHER BUSINESS**

Consider a recommendation to the Board of Commissioners regarding approval of a plan amendment to the Austell Road Corridor Livable Centers Initiative (LCI) Study Five-year Plan Update to add “Austell Transfer Center – Multimodal Improvements” (transfer center) to the study’s action plan titled “Implementation Plan 2012-2016.” This plan amendment would make the transfer center eligible for LCI Transportation Program funding and allow the Department to request funding during an upcoming ARC call for projects.

**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.”**

**COBB COUNTY**  
**ZONING HEARING AGENDA**  
**Board of Commissioners – October 21, 2014**

*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 CASES**

**SLUP-18 CENTRAL CITY TOWING** (Silver Creek Properties, Inc., owner) requesting a **Special Land Use Permit** for the purpose of an Impound Lot in Land Lots 309 and 310 of the 18<sup>th</sup> District. Located on the eastern end of Pritchett Industrial Boulevard, east of Maxham Road (2073 Cardell Road). *(Previously continued by Staff until the October 21, 2014 Board of Commissioners' hearing)*

**REGULAR CASES --- NEW BUSINESS**

**Rezoning**

**Z-2 ISAKSON LIVING COMMUNITIES, LLC** (Wylene S. Tritt, owner) requesting Rezoning from **R-20** to **CCRC** for the purpose of a Continuing Care Retirement Facility in Land Lots 965 and 966 of the 16<sup>th</sup> District. Located on the south side of Roswell Road, across from Providence Road, and west of Robinson Road (3540 Roswell Road). *(Continued by Staff until the November 4, 2014 Planning Commission hearing; therefore will not be considered at this hearing)*

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- Z-46**      **JW HOMES, LLC** (Paul Samuel Properties, LLP, Double Edge, LLC, and Laverne and Carl Abbott, owners) requesting Rezoning from **R-20** and **R-30** to **R-20/OSC** for the purpose of a Single-Family Residential Subdivision in Land Lots 237, 258 and 259 of the 20<sup>th</sup> District. Located on the south side of Paul Samuel Road, on the east side of Acworth Due West Road, at the eastern terminus of Justice Drive, at the eastern terminus of West Pointe Drive, and at the southern terminus of Liberty Lane. *(Previously continued by Staff)*
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**Land Use Permits**

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**SLUP-20 PETROLEUM REALTY V, LLC** (owner) requesting a **Special Land Use Permit** for the purpose of a Freestanding Ice and Water Machine in Land Lots 333, 334, and 387 of the 16<sup>th</sup> District. Located at the northeast intersection of Shallowford Road and Gordy Parkway (3065 Shallowford Road).

**HELD CASE**

**Z-60 WEST COBB SENIOR LIVING, LLC** (Due to individual parcels, a complete list of titleholders is available in the Zoning Office) requesting Rezoning from **R-20** to **RSL** for the purpose of a Senior Living Community in Land Lots 331 and 332 of the 20<sup>th</sup> District. Located on the southwest side of Dallas Highway, northeast side of Kennesaw View Drive, west of West Sandtown Road (Due to numerous addresses, a complete list of addresses can be found in the file in the Zoning Office).

**OTHER BUSINESS**

**ITEM OB-35**

To consider amending the stipulations for the North Atlanta Soccer Association regarding Special Land Use Permit application LUP-3 of 1990 (Metro North Youth Soccer Association, Inc.), for property located on the north side of Paper Mill Road, west of Johnson Ferry Road in Land Lots 5, 6, 73 of the 1st District. *(Previously continued by Staff from the July 15, 2014, August 19, 2014 and September 16, 2014 Board of Commissioners hearings)*

**ITEM OB-60**

To consider amending the zoning stipulations for Brooks Chadwick, LLC regarding zoning application Z-27 of 2014 (Brooks Chadwick, LLC), for property located on the southeast side of Audubon Drive, south of Fairfield Drive in Land Lot 976 of the 16<sup>th</sup> District.

**ITEM OB-61**

To consider amending the site plan and the stipulations for Greenstone Ventures, Inc. regarding zoning application Z-48 of 1994 (P.C. Thompson), for property located on the easterly side of Cumberland Boulevard at its intersection with Cobb Galleria Parkway, south of I-75 in Land Lots 1014 and 1015 of the 17<sup>th</sup> District.

**ITEM OB-62**

To consider amending the site plan and the stipulations for TPA Group L.L.C. regarding zoning application Z-22 of 1998 (Hines Interests Limited Partnership), for property located near the northwesterly intersection of Cumberland Boulevard and Akers Mill Road in Land Lots 981, 1011 and 1012 of the 17<sup>th</sup> District.

**ITEM OB-63**

To consider amending the site plan and the stipulations for Johnson Ferry Crossing Center, L.L.C. regarding zoning application Z-110 of 1984 (Marett Properties, Inc.), for property located on the east side of Johnson Ferry Road, south of Little Willeo Road in Land Lots 981, 1011 and 1012 of the 17<sup>th</sup> District.

**ITEM OB-64**

To consider amending the site plan and the stipulations for D&A Investment Group, LLC and Pereira Management, LLC regarding zoning application Z-40 of 2008 (D&A Investment Group, LLC and Pereira Management, LLC), 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 17<sup>th</sup> District.

**ITEM OB-65**

To consider amending the zoning stipulations for Medical Development Corp. regarding rezoning application Z-33 of 2014 (Medical Development Corp.), for property located on the west side of Bells Ferry Road, the south side of Shiloh Path, and on the east and west sides of Bartlett Circle in Land Lots 148 and 149 of the 16<sup>th</sup> District.

**ITEM OB-66**

To consider amending the zoning stipulations for Navkar Builders, LLC regarding rezoning application Z-25 of 2013 (East Lake Asset Management, LLC), for property located on the northwesterly side of Sewell Mill Road and on the southwesterly side of East Piedmont Road in Land Lot 915 of the 16<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.”