
ZONING ANALYSIS

Planning Commission Public Hearing

November 4, 2014

Board of Commissioners' Public Hearing

November 18, 2014

Prepared by:
COBB COUNTY
PLANNING AND ZONING DIVISIONS

COBB COUNTY BOARD OF COMMISSIONERS

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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 4, 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 16th District. Located on the south side of Roswell Road, across from Providence Road, and west of Robinson Road (3540 Roswell Road). *(Previously continued by Staff until the November 4, 2014 Planning Commission hearing)*
- Z-54** **BELMONT ASSOCIATES, LLC** (Madge H. Duncan Estate, 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 17th District. Located on the east side of Atlanta Road, south of Jane Lyle Road. *(Previously continued by Staff until the November 4, 2014 Planning Commission hearing)*
- 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 17th District. Located on the southwest side of Atlanta Road, south of Darwin Road (1700 Atlanta Road). *(Previously continued by Staff)*
- 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 17th District and Land Lot 556 of the 19th 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. *(Previously continued by the Planning Commission from their October 7, 2014 hearing)*

- 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 19th District. Located on the east side of Floyd Road, south of East-West Connector. *(Previously continued by the Planning Commission from their October 7, 2014 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 17th District. Located on the southeast side of River Heights Crossing, northeast of Riverlook Parkway (3702 River Heights Crossing). *(Continued by Staff until the December 2, 2014 Planning Commission hearing; therefore will not be considered at this hearing)*

REGULAR CASES --- NEW BUSINESS

Rezoning

- Z-78** **HEATHERMOOR HOA, INC.** (Due to individual parcels, a complete list of titleholders is available in the Zoning Office) requesting Rezoning from **R-20 With Stipulations** to **R-20 With Stipulations** for the purpose of Reducing Cemetery Buffer on Six Lots in Land Lots 134 and 166 of the 1st District. Located on the north side of Heath Hollow Lane, the northeast side of Heathermoor Hill Drive, the north side of Roswell Road, and on the east side of Willeo Rill Road.
- Z-79** **JACK COOPER HOLDINGS CORP.** (owner) requesting Rezoning from **R-30** to **LRO** for the purpose of Combining Existing Portion Residential having Encroachment from LRO in Land Lots 275 and 296 of the 20th District. Located on the south side of Kennesaw Due West Road, east of Acworth Due West Road (660 Kennesaw Due West Road).

- Z-80** **PARADISE CONCEPTS, INC, d/b/a NATURE SUPPLY CENTRE** (Michael A. Pecoraro, owner) requesting Rezoning from **NRC** to **LI** for the purpose of a Landscape Supply Company in Land Lots 1000 and 1001 of the 19th District. Located on the northeast side of Floyd Road, north of Concord Road (4391 Floyd Road).
- Z-81** **JONATHAN LEAKE** (Jonathan Leake and Erica Leake, owners) requesting Rezoning from **R-20** and **NS** to **R-20** for the purpose of a Single-Family House in Land Lots 373 and 374 of the 16th District. Located on the northwest side of Blackwell Road, and the east side of the railroad tracks.
- Z-82** **KROGER CO.** (Shallowford Falls Associates, LP, owner) requesting Rezoning from **PSC** and **R-20** to **CRC** for the purpose of Adding a Fuel Center to Existing Kroger Center in Land Lots 467, 468, 469, and 470 of the 16th District. Located on the south side of Shallowford Road, and the east side of Johnson Ferry Road (3162 Johnson Ferry Road).
- Z-83** **QUINTUS DEVELOPMENT, L.P.** (Due to individual parcels, a complete list of titleholders is available in the Zoning office) requesting Rezoning from **OS** and **CRC** to **UVC** for the purpose of Mixed Use of Retail and Residential in Land Lots 509, 510, 571, and 572 of the 16th District. Located on the west side of Chastain Meadows Parkway, east of I-575, and north of Ernest Barrett Parkway.
- Z-84** **JW ACQUISITIONS, LLC** (Cousins Properties Incorporated and Wildwood Associates, owners) requesting Rezoning from **RA-5** and **O&I** to **RM-8** for the purpose of Attached Residential in Land Lots 1005 and 1006 of the 17th District. Located on the east side of Wildwood Parkway, southeast side of Rivers Call Boulevard, and on the south side of High Trail.
- Z-85** **COUSINS PROPERTIES INCORPORATED** (owner) requesting Rezoning from **UC** to **OMR** for the purpose of Office in Land Lots 987, 1005, and 1006 in the 17th District. Located on the southeast side of Wildwood Parkway, east of Windy Hill Road.

Land Use Permits

- LUP-34 DERRICK W. THOMAS AND TERESA THOMAS** (owners) requesting a **Land Use Permit** for the purpose of a Hair Salon and Day Spa in Land Lot 1154 of the 19th District. Located on the south side of Clay Road, east of South Cobb School Road (1815 Clay Road). *(Continued by Staff until the December 2, 2014 Planning Commission hearing; therefore will not be considered at this hearing)*
- LUP-35 KEITH HENRICH** (Keith E. Henrich and Helen M. Henrich, owners) requesting a **Land Use Permit** for the purpose of Allowing More Vehicles Than County Code Permits in Land Lot 74 of the 16th District. Located on the west side of Verbena Drive, north of Delphinium Boulevard (5077 Verbena Drive).

Special Land Use Permits

- SLUP-21 BARRY WOOD** (B.W.W., Inc., owner) requesting a **Special Land Use Permit** for the purpose of Crushing Concrete in Land Lot 777 of the 18th District. Located on the east side of White Road, south of Factory Shoals Road.

HELD CASES

- 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 17th District. Located on the east side of Knox Drive, south of Austell Road (1601 Knox Drive). *(Previously held by the Planning Commission from their October 7, 2014 hearing)*
- 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 19th District. Located at the northeast intersection of Macland Road and Villa Rica Road, and on the west side of Wilkins Circle. *(Held by the Planning Commission until their December 2, 2014 hearing; therefore will not be considered at this hearing)*

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 – November 18, 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

- 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 16th 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, previously held by the Planning Commission from their September 4, 2014 hearing and previously continued by the Board of Commissioners from their October 21, 2014 hearing)*
- 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 17th 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. *(Previously continued by the Board of Commissioners from their October 21, 2014 hearing)*
- 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 18th 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 and previously continued by the Board of Commissioners from their October 21, 2014 hearing)*

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HELD CASE

- 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 a Single-Family Residential Subdivision in Land Lot 8 of the 1st 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 and previously held by the Board of Commissioners from their October 21, 2014 hearing)*

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 19th District. Located on the north side of Macedonia Road, east of Hopkins Road (3000 and 3066 Macedonia Road). *(Previously continued by Staff until the October 7, 2014 Planning Commission hearing and previously held by the Board of Commissioners from their October 21, 2014 hearing)*

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, September 16, 2014 and October 21, 2014 Board of Commissioners hearings)*

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 17th District. *(Previously continued by Staff from the October 21, 2014 Board of Commissioners hearing)*

ITEM OB-67

To clarify and give Staff direction regarding a zoning stipulation for the Enclave at Cripple Creek subdivision regarding rezoning application Z-132 of 2006 (Ovation Homes, LLC), for property located at the southwesterly intersection of North Booth Road and Cripple Creek Drive in Land Lots 217 and 288 of the 16th District.

ITEM OB-68

To consider a stipulation amendment for Erik Peterson regarding rezoning application Z-45 of 2012 (Last Stand Fitness, LLC), for property located on the west side of Atlanta Road at Brownwood Lane, and on the east side of I-285, south of Atlanta Road in Land Lot 763 of the 17th District.

ITEM OB-69

To consider amending the site plan and the stipulations for the Georgia House Rabbit Society regarding zoning application Z-13 of 2011 (House Rabbit Society/ North Georgia Chapter, Inc.), for property located at the southwestern intersection of Shallowford Road and Shallow Court in Land Lots 310 and 339 of the 16th 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.”