
ZONING ANALYSIS

Planning Commission Public Hearing

December 2, 2014

Board of Commissioners' Public Hearing

December 16, 2014

Prepared by:
COBB COUNTY
PLANNING AND ZONING DIVISIONS

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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 – December 2, 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-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). *(Previously continued by the Planning Commission from their November 4, 2014 hearing)*

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). *(Previously continued by Staff until the December 2, 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 17th District. Located on the southeast side of River Heights Crossing, northeast of Riverlook Parkway (3702 River Heights Crossing). *(Previously continued by Staff until the December 2, 2014 Planning Commission hearing)*

REGULAR CASES --- NEW BUSINESS

Rezoning

Z-86 **ZERO ONE, LLC** (owner) requesting Rezoning from **R-15** to **RA-5** for the purpose of a Single-Family Subdivision in Land Lots 82 and 151 of the 18th District. Located on the south side of Old Alabama Road, west of South Glenn Forest Street, and at the western end of Angelia Drive.

- Z-87** **AUGUSTINA ONYEKE** (2013 SWE GA, LLC, owner) requesting Rezoning from **GC** to **LRC** for the purpose of a Daycare in Land Lot 631 of the 19th District. Located on the north side of Milford Church Road, east of Austell Road (1076 Milford Church Road).
- Z-88** **WOOTEN LAKE, 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 Residential Senior Non-Supportive Subdivision in Land Lot 57 of the 20th District. Located on the north side of Wooten Lake Road, west of Shiloh Road.
- Z-89** **KENT AHRENHOLD** (Mei-Ying J. DeShetler, owner) requesting Rezoning from **GC** to **LRO** for the purpose of a Dental Office in Land Lot 595 of the 16th District. Located on the northeast side of Kinjac Drive, west of Sandy Plains Road (2678 Kinjac Drive).
- Z-90** **MAGELLAN PIPELINE COMPANY, LP** (Colonial Pipeline Company, owner) requesting Rezoning from **GC, HI** and **R-20** to **HI** for the purpose of Petroleum Operations in Land Lots 839 and 864 of the 19th District. Located on the west side of Anderson Farm Road, south of Powder Springs Road, on the northerly side of Ewing Road, at the terminus of Elm Street, and at the terminus of Ash Street.
- Z-91** **TANGLEWOOD DEVELOPMENT, INC.** (owner) requesting Rezoning from **R-20/OSC** to **R-15** for the purpose of a Single-Family Residential Subdivision in Land Lots 48 and 49 of the 16th District. Located on the northeast side of Jamerson Road, southeast of Hawk Trail.
- Z-92** **COTTON STATES PREMIER PROPERTIES, LLC** (owner) requesting Rezoning from **R-30** to **R-20** for the purpose of a Single-Family Residential Subdivision in Land Lots 49 and 50 of the 1st District. Located at the northeast intersection of Childers Road and Childers Way (3611 Childers Road). **WITHDRAWN WITOUT PREJUDICE**

Z-93 **GOOD SAMARITAN HELP CENTER OF COBB, INC.** (AT13 Surplus, LLC, owner) requesting Rezoning from **GC** to **CRC** for the purpose of Flex Office Space Educational/Instructional Space, Potential Retail Component (Pharmacy/Apothecary) in Land Lot 208 of the 17th District. Located at the north intersection of Austell Road and Roberta Drive (1620 Austell Road).

Land Use Permits

LUP-36 **STACEY ASBY** (Ronald R. Asby and Stacey M. Asby, owners) requesting a **Land Use Permit** for the purpose of a Cattery/Pet Dealer in Land Lot 375 of the 16th District. Located on the northerly side of Shadowood Trail, west of Shadowood Court (1313 Shadowood Trail).

LUP-37 **BONNIE PHILLIPS** (owner) requesting a **Land Use Permit (Renewal)** for the purpose of Weddings and Receptions in Land Lots 572 and 613 of the 19th District. Located on the northwesterly side of John Petree Road, south of Macland Road (2684 John Petree Road).

LUP-38 **ST. BENEDICT'S EPISCOPAL CHURCH** (owner) requesting a **Land Use Permit** for the purpose of a Farmer's Market in Land Lots 694 and 695 of the 17th District. Located on the east side of Cooper Lake Road, west side of Atlanta Road, north of Cumberland Parkway (2160 Cooper Lake Road).

Special Land Use Permits

SLUP-22 **MAGELLAN PIPELINE COMPANY, LP** (Colonial Pipeline Company, owner) requesting a **Special Land Use Permit** for the purpose of Complementing Area Petroleum Operations and Enhancing Gasoline Supply in Land Lots 839 and 864 of the 19th District. Located on the west side of Anderson Farm Road, south of Powder Springs Road, on the northerly side of Ewing Road, at the terminus of Elm Street, and at the terminus of Ash Street.

SLUP-23 ZACH FRESHNER/CESO, INC. (Southeastern Transfer & Storage, Inc., owner) requesting a **Special Land Use Permit** for the purpose of Compressed Natural Gas Truck Fueling Station in Land Lot 832 of the 17th District. Located on the north side of Plant Atkinson Road, east of North Church Lane (2561 Plant Atkinson Road).

HELD 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). *(Continued by Staff until the November 4, 2014 Planning Commission hearing and held by the Planning Commission from their November 4, 2014 hearing until their February 3, 2015 hearing; therefore will not be considered at this 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. *(Previously held by the Planning Commission until their December 2, 2014 hearing)*

OTHER BUSINESS

Adoption of Resolution for establishment of dates, time and place of the Planning Commission Regular Meetings for 2015.

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 – December 16, 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

REGULAR CASES --- NEW BUSINESS

Rezoning

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- 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. *(Previously continued by Staff until the December 16, 2014 Board of Commissioners hearing)*
- SLUP-22 MAGELLAN PIPELINE COMPANY, LP** (Colonial Pipeline Company, owner) requesting a **Special Land Use Permit** for the purpose of Complementing Area Petroleum Operations and Enhancing Gasoline Supply in Land Lots 839 and 864 of the 19th District. Located on the west side of Anderson Farm Road, south of Powder Springs Road, on the northerly side of Ewing Road, at the terminus of Elm Street, and at the terminus of Ash Street.
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HELD CASE

- 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, previously continued by the Board of Commissioners from their October 21, 2014 hearing and previously held by the Board of Commissioners from their November 18, 2014 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 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 and November 18, 2014 hearings)*

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, October 21, 2014 and November 18, 2014 Board of Commissioners hearings)*

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. *(Held by the Board of Commissioners until their February 17, 2015 hearing; therefore will not be considered at this hearing)*

ITEM OB-70

To consider amending the site plan for Albert G. Schmerge regarding zoning application Z-95 of 1997 (Schmerge, Campbell & Young), for property located at the northeasterly intersection of Childers Road and Rock Ivy Trail and at the eastern terminus of Huntridge Drive in Land Lots 48, 49, 105 and 106 of the 1st District.

ITEM OB-71

To consider amending the site plan for Kerley Family Homes regarding zoning application Z-126 of 2003 (Tal Mar Properties, Inc.), for property located at the southwesterly intersection of New Chastain Road and Blackwell Circle in Land Lot 371 of the 16th District.

ITEM OB-72

To consider amending the site plan for Chuck Hill regarding zoning application Z-42 of 1996 (Hendon Property Associates, L.P.), for property located on the southwestern side of Cobb Place Boulevard, south of Ernest Barrett Parkway in Land Lots 650 and 719 of the 16th District.

ITEM OB-73

To consider a site plan approval for JW Homes, LLC regarding zoning application Z-46 of 2014 (JW Homes, LLC), for property 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 in Land Lots 237, 258 and 259 of the 20th 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.”**