

---

---

# ZONING ANALYSIS

---

---

## Planning Commission Public Hearing

February 3, 2015

## Board of Commissioners' Public Hearing

February 17, 2015

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

***COBB COUNTY BOARD OF COMMISSIONERS***

Tim Lee, Chairman  
Bob Weatherford, District 1  
Bob Ott, District 2  
JoAnn Birrell, District 3  
Lisa Cupid, District 4

***COUNTY MANAGER***

David Hankerson

***COBB COUNTY BOARD PLANNING COMMISSION***

Mike Terry  
Skip Gunther  
Galt Porter  
Christi Trombetti  
Judy Williams

***COBB COUNTY ZONING DIVISION  
COMMUNITY DEVELOPMENT DEPARTMENT***

Rob Hosack, Director, Community Development  
John Pederson, Manager, Zoning Division

THIS

PAGE

INTENTIONALLY

LEFT

BLANK

**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.

THIS

PAGE

INTENTIONALLY

LEFT

BLANK

# **A G E N D A S**

THIS

PAGE

INTENTIONALLY

LEFT

BLANK

**COBB COUNTY**  
**ZONING HEARING AGENDA**  
**Planning Commission – February 3, 2015**

**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-86<sup>14</sup>**                    **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 18<sup>th</sup> District. Located on the south side of Old Alabama Road, west of South Glenn Forest Street, and at the western end of Angelia Drive. *(Previously continued by the Planning Commission from their December 2, 2014 hearing)*

**SLUP-14<sup>14</sup>**                    **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 until the February 3, 2015 Planning Commission hearing)*

**REGULAR CASES --- NEW BUSINESS**

**Rezoning**

**Z-1**                    **FORESTAR (USA) REAL ESTATE GROUP, INC.** (Estate of Leona Hall Price f/k/a Leona Hall Johnson, Debra B. Landers, Shirley June Fuller, and Margaret P. Glenn, owners) requesting Rezoning from **R-20/OSC** and **R-30** to **R-15/OSC** for the purpose of a Residential Subdivision in Land Lots 186 and 195 of the 20<sup>th</sup> District. Located on the west side of Mars Hill Road, south of Camden Lake Parkway.

**Z-2**                    **VICTOR NWALA NGON** (owner) requesting Rezoning from **LRO** to **NRC** for the purpose of a Tire Store in Land Lots 701 and 702 of the 19<sup>th</sup> District. Located on the east side of Austell Road, north of Byers Drive (3077 Austell Road).

- Z-3**      **PAUL AMINA AND PRADEEP GUTTA** (owners) requesting Rezoning from **R-20** to **R-15** for the purpose of Three Single Family Houses in Land Lot 196 of the 16<sup>th</sup> District. Located at the southwest intersection of Trickum Road and Brandon Court.
- Z-4**      **MEHRI SANAYEI** (Mehri D. Sanayei, owner) requesting Rezoning from **R-30** to **R-15** for the purpose of Two Single-Family Houses in Land Lot 28 of the 1<sup>st</sup> District. Located on the westerly side of Childers Road at Kettering Drive.
- Z-5**      **WENDELL L. FOWLER** (owner) requesting Rezoning from **GC** to **NRC** for the purpose of an Auto Mechanic Shop in Land Lot 147 of the 18<sup>th</sup> District. Located on the north side of Old Alabama Road, east of South Gordon Road (1884 Old Alabama Road).
- Z-6**      **3700 ROSWELL ROAD, LLC** (Barry J. Shemaria, owner) requesting Rezoning from **LRO** to **O&I** for the purpose of Climate Controlled Self Storage in Land Lot 967 of the 16<sup>th</sup> District. Located on south side of Roswell Road, west of Robinson Road (3700 Roswell Road).
- Z-7**      **INGA AUTO CENTER** (Inga Auto Center, Inc. and Uladislao Inga, owners) requesting Rezoning from **GC** and **R-20** to **GC** for the purpose of Auto Sales/Auto Service in Land Lots 211, 212, 221 and 222 of the 17<sup>th</sup> District. Located on the north side of Leader Road, west of South Cobb Drive (50 Leader Road).
- Z-8**      **WINDSONG PROPERTIES** (Living Hope Lutheran Church, Inc., and Merl C. Reece, owners) requesting Rezoning from **R-30** to **RSL** for the purpose of a Residential Senior Living Neighborhood in Land Lots 200 and 201 of the 20<sup>th</sup> District. Located on the north side of Stilesboro Road, west of Mack Dobbs Road.
- Z-9**      **PIEDMONT LAND GROUP OF GEORGIA 2, LLC** (Charles C. Tinsley, Sr., owner) requesting Rezoning from **R-20** to **RA-5** for the purpose of a Single-Family Detached Residential Subdivision in Land Lots 694, 695 and 713 of the 19<sup>th</sup> District. Located on the east side of Powder Springs Road, south of Pair Road (2375 Powder Springs Road).

- Z-10**      **CORNERSTONE ASSOCIATES, INC.** (Dr. Rahul Saraf, owner) requesting Rezoning from **CRC** and **HI** to **RM-8** for the purpose of Townhouses in Land Lots 934 and 935 of the 16<sup>th</sup> District. Located on the north side of Old 41 Highway, at the terminus of Kennesaw Avenue (1718 Old 41 Highway).
- Z-11**      **DESTINY DEVELOPMENT CORPORATION** (Richard L. Yancey, owner) requesting Rezoning from **R-80** to **R-40** for the purpose of a Second Single-Family Lot in Land Lot 1001 of the 17<sup>th</sup> District. Located north of the terminus of Timberland Drive, north of Hallmark Drive (1070 Timberland Drive).
- Z-12**      **MICHAEL B. KENNEDY** (Michael Kennedy, owner) requesting Rezoning from **R-20** to **FST** for the purpose of Townhouses in Land Lots 96 and 121 of the 17<sup>th</sup> District. Located on the east side of South Hurt Road, across from Donna Drive (3865 South Hurt Road).
- Z-13**      **THE VEST HOUSE, LLC** (owner) requesting Rezoning from **NS** to **NRC** for the purpose of Retail, Restaurants, and Offices in Land Lots 909 and 952 of the 17<sup>th</sup> District. Located on the west side of Mountain Street between Paces Ferry Road and Spring Street (2949 Paces Ferry Road and 5 Mountain Street).
- Z-14**      **DAVIS ICE CREAM D/B/A ICE CREAM WAREHOUSE** (Ronald H. Loveless, owner) requesting Rezoning from **NS** to **NRC** for the purpose of an Ice Cream Warehouse in Land Lot 15 of the 17<sup>th</sup> District. Located on the west side of Austell Road, across from Hicks Road (2532 Austell Road).
- Z-15**      **MARIA FIORILLO** (Scott A. Dameron and James L. Dameron III, owners) requesting Rezoning from **R-20** to **O&I** for the purpose of a Veterinary Hospital in Land Lots 167 and 179 of the 18<sup>th</sup> District. Located on the south side of Veterans Memorial Highway, west of Nickajack Creek (1092 Veterans Memorial Highway).

- Z-16**      **GEORGIA KIDS PROJECT, LLC** (Due to individual parcels, a complete list of titleholders is available in the Zoning office) requesting Rezoning from **R-20** to **CRC** and **RSL** for the purpose of Indoor/Outdoor Recreation and Residential Senior Living in Land Lots 284 and 285 of the 16<sup>th</sup> District. Located on the east and west sides of Bells Ferry Road, north and south sides of North Booth Road, at the southeast intersection of Bells Ferry Road and Heck Road, and on the southeasterly side of I-575. *(Continued by Staff until the March 3, 2015 Planning Commission hearing; therefore will not be considered at this hearing)*
- Z-17**      **E-ROCK DEVELOPMENT, LLC** (Melonee Bates and Petrelia Lawhorn, owners) requesting Rezoning from **R-30** to **R-15** for the purpose of Single-Family Residential in Land Lot 28 of the 1<sup>st</sup> District. Located on the northwesterly side of Childers Road, south of Monet Drive (3383 Childers Road).
- Z-18**      **VANQUISH PROPERTY PARTNERS, LLC** (The Estate of Shurlin Hunley (a.k.a. Shurlin J. Hunley or S.J. Hunley), owner) requesting Rezoning from **R-20** to **RA-5** for the purpose of Detached Single-Family Residential in Land Lot 310 of the 16<sup>th</sup> District. Located on the northeasterly side of Trickum Road, north of Shallowford Road, across from Easy Circle (3870 Trickum Road).
- Z-19**      **THUAN THI LAM** (Thuan Thi Lam and Thang Thi Lam, owners) requesting Rezoning from **NS** to **NRC** for the purpose of Office/Retail in Land Lot 1006 of the 19<sup>th</sup> District. Located at the northeast intersection of Elmwood Drive and Austell Road (4399 Austell Road).
- Z-20**      **BK PROPERTIES, LP** (owner) requesting Rezoning from **O&I, NS** and **R-20** to **OS** for the purpose of Office and Warehouse Distribution in Land Lots 498, 499, 510, and 511 of the 16<sup>th</sup> District. Located on the northeasterly side of Chastain Meadows Parkway, and the westerly side of Bells Ferry Road, south of Big Shanty Road.
- Z-21**      **DDR CORPORATION** (DDR Southseat SP Outlet 1, LLC, owner) requesting Rezoning from **NRC with Stipulations** to **NRC with Stipulations** for the purpose of Neighborhood Retail in Land Lot 107 of the 16<sup>th</sup> District. Located on the south side of Sandy Plains Road, west of State Route 92 (4674 Sandy Plains Road).

**Z-22 BUTLER BROTHERS TIRE COMPANY** (M.A.T. Investments, LLC, owner) requesting Rezoning from **GC** to **NRC** for the purpose of Automotive and Related Retail Uses and Used Auto Sales in Land Lot 1080 of the 19<sup>th</sup> District. Located on the easterly side of Austell Road, on the north side of Roberta Circle Extension, on the westerly side of Roberta Circle, and on the north, south, east and west sides of Stallion Parkway (4071 Austell Road).

### **Land Use Permits**

**LUP-1 JAMES A. KISER** (James A. Kiser, Selvie Jean Kiser, and Selvia Theresa Kiser, owners) requesting a **Land Use Permit (Renewal)** for the purpose of Allowing More Adults and More Vehicles Than County Code Permits in Land Lots 270, 307, and 308 of the 17<sup>th</sup> District. Located on the north side of Church Road, east of Biggern Avenue (303 Church Road). **WITHDRAWN WITHOUT PREJUDICE**

**LUP-2 HELEN JACKSON** (owner) requesting a **Land Use Permit** for the purpose of Allowing More Adults and More Vehicles Than County Code Permits in Land Lot 1035 of the 16<sup>th</sup> District. Located on the east side of Old Canton Road, north of North Robinson Road (760 Old Canton Road).

**LUP-3 CHRISTINA MARIE AND RAYFORD CLINTON KENNEDY, JR.** (Rayford C. Kennedy, Jr. and Christina Marie Kennedy, owners) requesting a **Land Use Permit** for the purpose of Allowing More Adults and More Vehicles Than County Code Permits in Land Lot 415 of the 16<sup>th</sup> District. Located on the north side of Fawn Trail, south of Ebenezer Road (3276 Fawn Trail).

**LUP-4 JOSE GARCIA** (owner) requesting a **Land Use Permit** for the purpose of Allowing More Vehicles Than County Code Permits in Land Lot 277 of the 17<sup>th</sup> District. Located on the south side of Spring Valley Road, north of Frank Lane (208 Spring Valley Road).

**LUP-5 SHILOH HILLS CHRISTIAN SCHOOL** (Shiloh Hills Baptist Church of Cobb County, owner) requesting a **Land Use Permit** for the purpose of an Educational Program in Land Lots 210 and 211 of the 16<sup>th</sup> District. Located on the south side of Hawkins Store Road and on the north side of I-575 (260 Hawkins Store Road).

**LUP-6 DATHAN JOHNSON** (Dathan Johnson and Marie Johnson, owners) requesting a **Land Use Permit** for the purpose of a Pet Dealer in Land Lots 769 and 770 of the 19<sup>th</sup> District. Located on the east side of Shadyside Road, north of Hurt Road (3319 Shadyside Road).

### **Special Land Use Permits**

**SLUP-1 3700 ROSWELL ROAD, LLC** (Barry J. Shemaria, owner) requesting a **Special Land Use Permit** for the purpose of Climate Controlled Self Storage in Land Lot 967 of the 16<sup>th</sup> District. Located on the south side of Roswell Road, west of Robinson Road (3700 Roswell Road).

**SLUP-2 INGA AUTO CENTER** (Inga Auto Center, Inc. and Uladislao Inga, owners) requesting a **Special Land Use Permit** for the purpose of Used Auto Sales in Land Lots 211, 212, 221, and 222 of the 17<sup>th</sup> District. Located on the north side of Leader Road, west of South Cobb Drive (50 Leader Road).

**SLUP-3 BUTLER BROTHERS TIRE COMPANY** (M.A.T. Investments, LLC, owner) requesting a **Special Land Use Permit** for the purpose of a Used Auto Dealer in Land Lot 1080 of the 19<sup>th</sup> District. Located on the easterly side of Austell Road, on the north side of Roberta Circle Extension, on the westerly side of Roberta Circle, and on the north, south, east and west sides of Stallion Parkway (4071 Austell Road).

## **HELD CASES**

**Z-2'**<sup>14</sup>      **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). *(Previously continued by Staff until the November 4, 2014 Planning Commission hearing and previously held by the Planning Commission from their November 4, 2014 hearing. Continued by Staff until the March 3, 2015 Planning Commission Hearing; therefore will not be considered at this hearing)*

## **OTHER BUSINESS**

### **ITEM #1**

Consider a recommendation to the Board of Commissioners regarding the 2015 Code Amendments for section 134 of the Cobb County Code.

### **ITEM #2**

Consider a recommendation to the Board of Commissioners regarding the Dobbins Joint Land Use Study.

**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 – February 17, 2015**

*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-61**<sup>14</sup>      **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 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, previously held by the Board of Commissioners from their October 21, 2014 and November 18, 2014 hearings and previously continued by Staff until the February 17, 2015 Board of Commissioners hearing)*
- Z-87**<sup>14</sup>      **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 19<sup>th</sup> District. Located on the north side of Milford Church Road, east of Austell Road (1076 Milford Church Road). *(Previously continued by the Board of Commissioners from their December 16, 2014 hearing)*
- Z-90**<sup>14</sup>      **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 19<sup>th</sup> 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. *(Previously continued by Staff until the February 17, 2015 Board of Commissioners hearing)*

- LUP-34**<sup>'14</sup> **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 19<sup>th</sup> District. Located on the south side of Clay Road, east of South Cobb School Road (1815 Clay Road). *(Previously continued by Staff until the February 17, 2015 Board of Commissioners hearing)*
- LUP-37**<sup>'14</sup> **BONNIE PHILLIPS** (owner) requesting a **Land Use Permit (Renewal)** for the purpose of Weddings and Receptions in Land Lots 572 and 613 of the 19<sup>th</sup> District. Located on the northwesterly side of John Petree Road, south of Macland Road (2684 John Petree Road). *(Previously continued by Staff until the February 17, 2015 Board of Commissioners hearing)*
- SLUP-21**<sup>'14</sup> **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 18<sup>th</sup> District. Located on the east side of White Road, south of Factory Shoals Road. *(Previously continued by Staff until the February 17, 2015 Board of Commissioners hearing)*
- SLUP-22**<sup>'14</sup> **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 19<sup>th</sup> 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. *(Previously continued by Staff until the February 17, 2015 Board of Commissioners hearing)*
- SLUP-23**<sup>'14</sup> **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 17<sup>th</sup> District. Located on the north side of Plant Atkinson Road, east of North Church Lane (2561 Plant Atkinson Road). *(Previously continued by Staff until the February 17, 2015 Board of Commissioners hearing)*

**REGULAR CASES --- NEW BUSINESS**

**Rezoning**

- Z-2**<sup>'14</sup>     **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). *(Previously continued by Staff until the November 4, 2014 Planning Commission hearing and previously held by the Planning Commission from their November 4, 2014 hearing. Continued by Staff until the March 3, 2015 Planning Commission hearing; therefore will not be considered at this hearing)*
- Z-86**<sup>'14</sup>     **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 18<sup>th</sup> District. Located on the south side of Old Alabama Road, west of South Glenn Forest Street, and at the western end of Angelia Drive. *(Previously continued by the Planning Commission from their December 2, 2014 hearing)*
- Z-1**     **FORESTAR (USA) REAL ESTATE GROUP, INC.** (Estate of Leona Hall Price f/k/a Leona Hall Johnson, Debra B. Landers, Shirley June Fuller, and Margaret P. Glenn, owners) requesting Rezoning from **R-20/OSC** and **R-30** to **R-15/OSC** for the purpose of a Residential Subdivision in Land Lots 186 and 195 of the 20<sup>th</sup> District. Located on the west side of Mars Hill Road, south of Camden Lake Parkway.
- Z-2**     **VICTOR NWALA NGON** (owner) requesting Rezoning from **LRO** to **NRC** for the purpose of a Tire Store in Land Lots 701 and 702 of the 19<sup>th</sup> District. Located on the east side of Austell Road, north of Byers Drive (3077 Austell Road).
- Z-3**     **PAUL AMINA AND PRADEEP GUTTA** (owners) requesting Rezoning from **R-20** to **R-15** for the purpose of Three Single Family Houses in Land Lot 196 of the 16<sup>th</sup> District. Located at the southwest intersection of Trickum Road and Brandon Court.

- Z-4**        **MEHRI SANAYEI** (Mehri D. Sanayei, owner) requesting Rezoning from **R-30** to **R-15** for the purpose of Two Single-Family Houses in Land Lot 28 of the 1<sup>st</sup> District. Located on the westerly side of Childers Road at Kettering Drive.
- Z-5**        **WENDELL L. FOWLER** (owner) requesting Rezoning from **GC** to **NRC** for the purpose of an Auto Mechanic Shop in Land Lot 147 of the 18<sup>th</sup> District. Located on the north side of Old Alabama Road, east of South Gordon Road (1884 Old Alabama Road).
- Z-6**        **3700 ROSWELL ROAD, LLC** (Barry J. Shemaria, owner) requesting Rezoning from **LRO** to **O&I** for the purpose of Climate Controlled Self Storage in Land Lot 967 of the 16<sup>th</sup> District. Located on south side of Roswell Road, west of Robinson Road (3700 Roswell Road).
- Z-7**        **INGA AUTO CENTER** (Inga Auto Center, Inc. and Uladislao Inga, owners) requesting Rezoning from **GC** and **R-20** to **GC** for the purpose of Auto Sales/Auto Service in Land Lots 211, 212, 221 and 222 of the 17<sup>th</sup> District. Located on the north side of Leader Road, west of South Cobb Drive (50 Leader Road).
- Z-8**        **WINDSONG PROPERTIES** (Living Hope Lutheran Church, Inc., and Merl C. Reece, owners) requesting Rezoning from **R-30** to **RSL** for the purpose of a Residential Senior Living Neighborhood in Land Lots 200 and 201 of the 20<sup>th</sup> District. Located on the north side of Stilesboro Road, west of Mack Dobbs Road.
- Z-9**        **PIEDMONT LAND GROUP OF GEORGIA 2, LLC** (Charles C. Tinsley, Sr., owner) requesting Rezoning from **R-20** to **RA-5** for the purpose of a Single-Family Detached Residential Subdivision in Land Lots 694, 695 and 713 of the 19<sup>th</sup> District. Located on the east side of Powder Springs Road, south of Pair Road (2375 Powder Springs Road).

- Z-10**      **CORNERSTONE ASSOCIATES, INC.** (Dr. Rahul Saraf, owner) requesting Rezoning from **CRC** and **HI** to **RM-8** for the purpose of Townhouses in Land Lots 934 and 935 of the 16<sup>th</sup> District. Located on the north side of Old 41 Highway, at the terminus of Kennesaw Avenue (1718 Old 41 Highway).
- Z-11**      **DESTINY DEVELOPMENT CORPORATION** (Richard L. Yancey, owner) requesting Rezoning from **R-80** to **R-40** for the purpose of a Second Single-Family Lot in Land Lot 1001 of the 17<sup>th</sup> District. Located north of the terminus of Timberland Drive, north of Hallmark Drive (1070 Timberland Drive).
- Z-12**      **MICHAEL B. KENNEDY** (Michael Kennedy, owner) requesting Rezoning from **R-20** to **FST** for the purpose of Townhouses in Land Lots 96 and 121 of the 17<sup>th</sup> District. Located on the east side of South Hurt Road, across from Donna Drive (3865 South Hurt Road).
- Z-13**      **THE VEST HOUSE, LLC** (owner) requesting Rezoning from **NS** to **NRC** for the purpose of Retail, Restaurants, and Offices in Land Lots 909 and 952 of the 17<sup>th</sup> District. Located on the west side of Mountain Street between Paces Ferry Road and Spring Street (2949 Paces Ferry Road and 5 Mountain Street).
- Z-14**      **DAVIS ICE CREAM D/B/A ICE CREAM WAREHOUSE** (Ronald H. Loveless, owner) requesting Rezoning from **NS** to **NRC** for the purpose of an Ice Cream Warehouse in Land Lot 15 of the 17<sup>th</sup> District. Located on the west side of Austell Road, across from Hicks Road (2532 Austell Road).
- Z-15**      **MARIA FIORILLO** (Scott A. Dameron and James L. Dameron III, owners) requesting Rezoning from **R-20** to **O&I** for the purpose of a Veterinary Hospital in Land Lots 167 and 179 of the 18<sup>th</sup> District. Located on the south side of Veterans Memorial Highway, west of Nickajack Creek (1092 Veterans Memorial Highway).

- Z-16**      **GEORGIA KIDS PROJECT, LLC** (Due to individual parcels, a complete list of titleholders is available in the Zoning office) requesting Rezoning from **R-20** to **CRC** and **RSL** for the purpose of Indoor/Outdoor Recreation and Residential Senior Living in Land Lots 284 and 285 of the 16<sup>th</sup> District. Located on the east and west sides of Bells Ferry Road, north and south sides of North Booth Road, at the southeast intersection of Bells Ferry Road and Heck Road, and on the southeasterly side of I-575. *(Continued by Staff until the March 3, 2015 Planning Commission hearing; therefore will not be considered a this hearing)*
- Z-17**      **E-ROCK DEVELOPMENT, LLC** (Melonee Bates and Petrelia Lawhorn, owners) requesting Rezoning from **R-30** to **R-15** for the purpose of Single-Family Residential in Land Lot 28 of the 1<sup>st</sup> District. Located on the northwesterly side of Childers Road, south of Monet Drive (3383 Childers Road).
- Z-18**      **VANQUISH PROPERTY PARTNERS, LLC** (The Estate of Shurlin Hunley (a.k.a. Shurlin J. Hunley or S.J. Hunley), owner) requesting Rezoning from **R-20** to **RA-5** for the purpose of Detached Single-Family Residential in Land Lot 310 of the 16<sup>th</sup> District. Located on the northeasterly side of Trickum Road, north of Shallowford Road, across from Easy Circle (3870 Trickum Road).
- Z-19**      **THUAN THI LAM** (Thuan Thi Lam and Thang Thi Lam, owners) requesting Rezoning from **NS** to **NRC** for the purpose of Office/Retail in Land Lot 1006 of the 19<sup>th</sup> District. Located at the northeast intersection of Elmwood Drive and Austell Road (4399 Austell Road).
- Z-20**      **BK PROPERTIES, LP** (owner) requesting Rezoning from **O&I, NS** and **R-20** to **OS** for the purpose of Office and Warehouse Distribution in Land Lots 498, 499, 510, and 511 of the 16<sup>th</sup> District. Located on the northeasterly side of Chastain Meadows Parkway, and the westerly side of Bells Ferry Road, south of Big Shanty Road.

- Z-21**      **DDR CORPORATION** (DDR Southseat SP Outlet 1, LLC, owner) requesting Rezoning from **NRC with Stipulations** to **NRC with Stipulations** for the purpose of Neighborhood Retail in Land Lot 107 of the 16<sup>th</sup> District. Located on the south side of Sandy Plains Road, west of State Route 92 (4674 Sandy Plains Road).
- Z-22**      **BUTLER BROTHERS TIRE COMPANY** (M.A.T. Investments, LLC, owner) requesting Rezoning from **GC** to **NRC** for the purpose of Automotive and Related Retail Uses and Used Auto Sales in Land Lot 1080 of the 19<sup>th</sup> District. Located on the easterly side of Austell Road, on the north side of Roberta Circle Extension, on the westerly side of Roberta Circle, and on the north, south, east and west sides of Stallion Parkway (4071 Austell Road).

**Land Use Permits**

- LUP-1**      **JAMES A. KISER** (James A. Kiser, Selvie Jean Kiser, and Selvia Theresa Kiser, owners) requesting a **Land Use Permit (Renewal)** for the purpose of Allowing More Adults and More Vehicles Than County Code Permits in Land Lots 270, 307, and 308 of the 17<sup>th</sup> District. Located on the north side of Church Road, east of Biggern Avenue (303 Church Road).      **WITHDRAWN WITHOUT PREJUDICE**
- LUP-2**      **HELEN JACKSON** (owner) requesting a **Land Use Permit** for the purpose of Allowing More Adults and More Vehicles Than County Code Permits in Land Lot 1035 of the 16<sup>th</sup> District. Located on the east side of Old Canton Road, north of North Robinson Road (760 Old Canton Road).
- LUP-3**      **CHRISTINA MARIE AND RAYFORD CLINTON KENNEDY, JR.** (Rayford C. Kennedy, Jr. and Christina Marie Kennedy, owners) requesting a **Land Use Permit** for the purpose of Allowing More Adults and More Vehicles Than County Code Permits in Land Lot 415 of the 16<sup>th</sup> District. Located on the north side of Fawn Trail, south of Ebenezer Road (3276 Fawn Trail).

- LUP-4**     **JOSE GARCIA** (owner) requesting a **Land Use Permit** for the purpose of Allowing More Vehicles Than County Code Permits in Land Lot 277 of the 17<sup>th</sup> District. Located on the south side of Spring Valley Road, north of Frank Lane (208 Spring Valley Road).
- LUP-5**     **SHILOH HILLS CHRISTIAN SCHOOL** (Shiloh Hills Baptist Church of Cobb County, owner) requesting a **Land Use Permit** for the purpose of an Educational Program in Land Lots 210 and 211 of the 16<sup>th</sup> District. Located on the south side of Hawkins Store Road and on the north side of I-575 (260 Hawkins Store Road).
- LUP-6**     **DATHAN JOHNSON** (Dathan Johnson and Marie Johnson, owners) requesting a **Land Use Permit** for the purpose of a Pet Dealer in Land Lots 769 and 770 of the 19<sup>th</sup> District. Located on the east side of Shadyside Road, north of Hurt Road (3319 Shadyside Road).

**Special Land Use Permits**

- SLUP-14**<sup>14</sup> **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 until the February 3, 2015 Planning Commission hearing)*
- SLUP-1**     **3700 ROSWELL ROAD, LLC** (Barry J. Shemaria, owner) requesting a **Special Land Use Permit** for the purpose of Climate Controlled Self Storage in Land Lot 967 of the 16<sup>th</sup> District. Located on the south side of Roswell Road, west of Robinson Road (3700 Roswell Road).
- SLUP-2**     **INGA AUTO CENTER** (Inga Auto Center, Inc. and Uladislao Inga, owners) requesting a **Special Land Use Permit** for the purpose of Used Auto Sales in Land Lots 211, 212, 221, and 222 of the 17<sup>th</sup> District. Located on the north side of Leader Road, west of South Cobb Drive (50 Leader Road).

**SLUP-3 BUTLER BROTHERS TIRE COMPANY** (M.A.T. Investments, LLC, owner) requesting a **Special Land Use Permit** for the purpose of a Used Auto Dealer in Land Lot 1080 of the 19<sup>th</sup> District. Located on the easterly side of Austell Road, on the north side of Roberta Circle Extension, on the westerly side of Roberta Circle, and on the north, south, east and west sides of Stallion Parkway (4071 Austell Road).

### **OTHER BUSINESS**

#### **ITEM OB-35 (2014)**

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, November 18, 2014 and December 16, 2014 Board of Commissioners hearings)*

#### **ITEM OB-67 (2014)**

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 16<sup>th</sup> District. *(Previously held by the Board of Commissioners from their November 18, 2014 and December 16, 2014 hearings)*

#### **ITEM OB-01**

To consider granting a Special Exception for backyard chickens as recommended by the Board of Zoning Appeals from their December 10, 2014 Variance Hearing regarding Variance Application:

V-119          David and Katrina Blauvelt

**ITEM OB-02**

To consider amending the site and the stipulations for The Center for Children and Young Adults, Inc. regarding rezoning application Z-25 of 2014 (The Center for Children and Young Adults, Inc.), for property located at the northeast intersection of Austell Road and Schaffer Road in Land Lots 60 and 85 of the 17<sup>th</sup> District.

**ITEM OB-03**

To consider amending the site plan for Baldwin Paving, Inc. regarding rezoning application #76 (Carl E. Hammock) of 1985, for property located in Land Lot 939 of the 16<sup>th</sup> District, on the northwest side of Kenmill Drive, north of Marble Mill Road.

**ITEM OB-04**

To consider amending the site and the stipulations for Derek Murray regarding rezoning application Z-18 of 2002 (Willoughby and Sewell Development Company, Inc.), for property located on the west side of Tipton Way, west of Brookstone Walk in Land Lot 225 of the 20<sup>th</sup> District.

**ITEM OB-05**

To consider amending the site and the stipulations for Century Partners, LLC regarding rezoning application Z-44 of 2013 (Century Partners, LLC), for property located on the north side of Robinson Road, west of Roswell Road in Land Lot 967 of the 16<sup>th</sup> District.

**ITEM OB-06**

To consider amending the site plan for William D. Huff regarding rezoning application Z-172 of 1994 (Eagle Real Estate Advisors, Inc.), for property located at the southeast intersection of Woodlawn Drive and Tiger Lily Way in Land Lots 8, 9, 70 and 71 of the 1<sup>st</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.”