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# ZONING ANALYSIS

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## Planning Commission Public Hearing

October 6, 2015

## Board of Commissioners' Public Hearing

October 20, 2015

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

***COBB COUNTY BOARD OF COMMISSIONERS***

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***COBB COUNTY PLANNING COMMISSION***

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

**Dana Johnson, 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 6, 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-80**      **THE CHURCH OF PENTECOST U.S.A., INC.** (owner) requesting Rezoning from NS, CF and GC to CRC for the purpose of a Church in Land Lots 36 and 37 of the 17<sup>th</sup> District. Located on the southwest side of Mableton Parkway, south of Veterans Memorial Highway, and on the north side of Glore Circle (5606 Mableton Parkway; 728, 736 and 742 Glore Circle; and 827 Wood Valley Road). *(Continued by the Planning Commission until their October 6, 2015 hearing.)*

**LUP-26**      **WORD OF FAITH FAMILY WORSHIP CENTER, INC.** (owner) requesting a **Land Use Permit (Renewal)** for the purpose of a Daycare Facility in Land Lots 697 and 698 of the 18<sup>th</sup> District. Located at the northwest intersection of The Bluffs and Riverside Parkway (7680 The Bluffs). *(Continued by the Planning Commission until October 6, 2015 hearing.)*

**REGULAR CASES --- NEW BUSINESS**

**Rezoning**

**Z-85**      **POMA GLASS & SPECIALTY WINDOWS, INC.** (Poma Glass & Specialty Windows, Inc. as Successor by Merger with AFGD. Inc. owner) requesting Rezoning from **R-20** to **HI** for the purpose of a Glass Company in Land Lot 706, of the 19<sup>th</sup> District. Located on the west side of Austell Road, south side of Pair Road (3200 Austell Road).



- Z-86**      **TRINITY CHAPEL** (Trinity Chapel, Inc., owner) requesting rezoning from **R-30** to **O&I** for the purpose of a Church with an Electronic Sign in Land Lots 456 and 457 of the 19<sup>th</sup> District. Located on the south side of Macland Road, west of Old Lost Mountain Road (4665 Macland Road).
- Z-87**      **FUQUA ACQUISITIONS II, LLC** (Due to individual parcels, a complete list of titleholders is available in the Zoning Office) requesting rezoning from **R-30** and **R-20** to **NRC, RM-12** and **RSL** for the purpose of Residential, Senior Living and Retail in Land Lots 769 and 770 of the 17<sup>th</sup> District. Located on the west side of Spring Hill Parkway, north side of Paces Ferry Road, east of Spring Hill Road and on the southwest side of Simpson Road. *(Continued by staff until November 17, 2015 Board of Commissioners' zoning hearing; therefore, will not be considered at this hearing.)*
- Z-88**      **DUNCAN LAND INVESTMENTS, LLC** (David Bruce Gary, Martin Thomas Gary, and Forrest Owen Gary, owners) requesting Rezoning from **R-20** to **R-15/OSC** for the purpose of an Addition of Property to an Existing **OSC** Subdivision in Land Lots 307, 308, 341 and 342 of the 16<sup>th</sup> District. Located on the northeast corner of Blackwell Road and Carter Valley Drive.
- Z-89**      **KAPLAN ACQUISITIONS, LLC** (Interstate North 5 Acres, LLC, formerly known as SHI Investments Six LLC, owner) requesting Rezoning from **OHR** to **UC** for the purpose of Residential Condominiums in Land Lots 875, 876 and 919 of the 17<sup>th</sup> District. Located on the northeast side of Interstate North Parkway West, south of Windy Hill Road.
- Z-90**      **DAVID PEARSON COMMUNITIES, INC.** (Multiple titleholders on file in the Zoning Division, owner) requesting Rezoning from **R-20** and **R-30** to **RM-8** for the purpose of a Residential Subdivision in Land Lots 737 and 776 of the 16<sup>th</sup> District. Located on the northwest side of Sandy Plains Road, north of Ross Road.

- Z-91**      **MICHAEL B. KENNEDY** (owner) requesting Rezoning from **R-20** to **RA-5** for the purpose of a Residential Subdivision 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-92**      **E-ROCK DEVELOPMENT, LLC** (Melonee Bates, Petrelia Lawhorn, Nancy L. Shababy and Louis M. Shababy, owners) requesting Rezoning from **R-30** to **R-15** in Land Lot 28 of the 1<sup>st</sup> District. Located on the northwesterly side of Childers Road, south of Monet Drive (3363 and 3383 Childers Road).

### **Land Use Permits**

- LUP-27**      **PRAISE TABERNACLE CHURCH** (Praise Tabernacle Church, Inc., owner) requesting a **Land Use Permit (Renewal)** for the purpose of Mobile Classrooms in Land Lots 956 and 957 of the 19<sup>th</sup> District. Located on the west side of Hiram Lithia Springs Road, north of Defoors Farm Drive (4052 Hiram Lithia Springs Road).
- LUP-28**      **SCOTT ROBICHAU** (owner) requesting a **Land Use Permit** for the purpose of Allowing More Vehicles and Unrelated Adults than County Code Permits in Land Lot 247 of the 16<sup>th</sup> District. Located on the north side of Winfair Place, west of Dunnington Drive, south of Parnell Road (3461 Winfair Place).
- LUP-29**      **TERRY SCHREPFER** (Terry Schrepfer and Holly Schrepfer, owners) requesting a **Land Use Permit** for the purpose of Allowing more Vehicles and Unrelated Adults than County Code Permits in Land Lots 93 and 94 of the 20<sup>th</sup> District. Located on the east side of Club Drive, north of Frey Lake Court (3624 Club Drive).

**LUP-30**     **JOHN S. HYLE** (Barbara J. Hyle and John S. Hyle, owners) requesting a **Land Use Permit** for the purpose of Allowing More Vehicles than County Code Permits in Land Lot 789 of the 16<sup>th</sup> District. Located on the south side of McCook Way, east of McCook Circle (127 McCook Way).

**LUP-31**     **CHRISTOPHER BERNASKI** (Stephen Mark Daleas, owner) requesting a **Land Use Permit (Renewal)** for the purpose of a Personal Care Home in Land Lot 50 of the 17<sup>th</sup> District. Located on the north side of Hurt Road, east of Fred Walker Drive (688 Hurt Road).

**LUP-32**     **CHARLES W. RIMERT** (Charles Winfield Rimert and Sherry Lynn Rimert, owners) requesting a **Land Use Permit** for the purpose of Allowing More Vehicles than Cobb County Code Permits in Land Lot 989 of the 16<sup>th</sup> District. Located on the southwest side of Barnes Mill Road, southeast of Woodmont Drive (2030 Barnes Mill Road).

**LUP-33**     **COURTNEY HUGHES** (Luther Jackson Giesler and Debbie M. Giesler, owners) requesting a **Land Use Permit** for the purpose of a Daycare in Land Lot 492 of the 16<sup>th</sup> District. Located on the south side of Brackett Road, across from Skyview Lane (992 Brackett Road).

**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 Planning Commission**  
**Zoning Hearing Agenda**  
**October 6, 2015**  
**Page 5**

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.

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.

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**COBB COUNTY**  
**ZONING HEARING AGENDA**  
**Board of Commissioners– October 20, 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-44**      **621 PROPERTY INVESTMENTS, LLC** (Equity Trust Company Custodian FBO 85034 IRA, owner) requesting Rezoning from **R-20** to **LRO** for the purpose of Offices in Land Lot 332 of the 20<sup>th</sup> District. Located on the north side of Dallas Highway, east of Bob Cox Road. *(Previously continued by Staff until the June, 2, 2015 Planning Commission hearing and by the Board of Commissioners until October 20, 2015 hearing.)*
- Z-59**      **ART FRAME, LLC** (RA Mableton Holdings, LLC, owner) requesting Rezoning from **NRC** to **LI** for the purpose of a Wholesale/Retail/Assembly For Picture Frame And Art Business in Land Lot 47 of the 18<sup>th</sup> District. Located on the southwest side of Veterans Memorial Highway, east of Pebblebrook Road. *(Previously continued by the Planning Commission until their August 4, 2015 hearing and previously continued by Staff until the September 1, 2015 Planning Commission hearing and continued by the Board of Commissioners until the October 20, 2015 hearing.)*
- Z-80**      **THE CHURCH OF PENTECOST U.S.A., INC.** (owner) requesting Rezoning from **NS, CF** and **GC** to **CRC** for the purpose of a Church in Land Lots 36 and 37 of the 17<sup>th</sup> District. Located on the southwest side of Mableton Parkway, south of Veterans Memorial Highway, and on the north side of Glore Circle (5606 Mableton Parkway; 728, 736 and 742 Glore Circle; and 827 Wood Valley Road). *(Continued by the Planning Commission from their September 1, 2015 hearing and until the Planning Commission hearing of October 6, 2015).*

- Z-82**            **VENTURE HOMES, INC.** (Winds of Worship Fellowship, Inc., owner) requesting Rezoning from **R-15** to **RA-5** for the purpose of Single-Family Residential in Land Lot 270 of the 17<sup>th</sup> District. Located on the north side of Church Road, east of Norton Circle (167 Church Road). *(Previously continued by the Board of Commissioners until October 20, 2015 hearing.)*
- LUP-26**        **WORD OF FAITH FAMILY WORSHIP CENTER, INC.** (owner) requesting a **Land Use Permit (Renewal)** for the purpose of a Daycare Facility in Land Lots 697 and 698 of the 18<sup>th</sup> District. Located at the northwest intersection of The Bluffs and Riverside Parkway (7680 The Bluffs). *(Continued by the Planning Commission from their September 1, 2015 hearing and until the Planning Commission hearing of October 6, 2015).*
- SLUP-8**        **THE SAE SCHOOL, INC.** (Fifth Third Bank, owner) requesting a **Special Land Use Permit** for the purpose of a Private School in Land Lots 780, 781, 785, 786, and 869 of the 18<sup>th</sup> District. Located on the southern terminus of The Bluffs, south of Riverside Parkway (260 The Bluffs). *(Continued by Staff until the October 20, 2015 Board of Commissioners hearing.)*

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

### **Rezoning**

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**HELD CASE**

- Z-66**      **825 MARS HILLS LLC** (825 Mars Hill LLC, Harold Richard Mintz, and Mary Mintz, Trustees of the Harold Richard Mintz Trust, owners) requesting Rezoning from **R-30** to **R-20/OSC** for the purpose of a Single-Family Subdivision in Land Lots 264 and 269 of the 20<sup>th</sup> District. Located on the north and south sides of Hadaway Road, on the west side of Mars Hill Road, on the easterly side of Due West Road, on the east side of Carter Road, and on the southeasterly side of Brown Store Road. *(Previously continued by the Planning Commission until their August 4, 2015 hearing and held by the Board of Commissioners at September 15, 2015 hearing until October 20, 2015 zoning hearing.)*

**OTHER BUSINESS CASES**

**ITEM OB-036**

To consider amending the site plan and zoning stipulations for Paradise Concepts Inc. d/b/a Nature Supply Centre regarding rezoning application Z-80 (Paradise Concepts, Inc. d/b/a Nature Supply Centre) of 2014, for property located on the northeast side of Floyd Road, north of Concord Road in Land Lots 1000 and 1001 of the 19<sup>th</sup> District. *(Continued by the Board of Commissioners' until the October 20, 2015 zoning hearing.)*

**ITEM OB-039**

To consider amending the site plan for Marty Williamson regarding rezoning application Z-138 (Marty Williamson) of 2005, for property located on the east side of Canton Road, north of Hiawasse Drive in Land Lot 637 of the 16<sup>th</sup> District. *(Held by the Board of Commissioners until the October 20, 2015 zoning hearing.)*

**ITEM OB-041**

To consider amending the site plan and stipulations for Pulte Home Corporation regarding rezoning application Z-88 (Wooten Lake, LLC) of 2014, for property located on the north side of Wooten Lake Road, west of Shiloh Road in Land Lot 57 of the 20<sup>th</sup> District.

**ITEM OB-042**

To consider amending the site plan and stipulations for Atlantic Realty Development, LLC regarding rezoning application Z-116 (B.F. Saul) of 2004, for property located on the westerly side of Circle 75 Parkway, northerly side of Windy Ridge Parkway, southerly side of Herodian Way in Land Lots 877, 878, 916 and 917 of the 17<sup>th</sup> District.

**ITEM OB-043**

To consider amending the site plan and stipulations for Art Frame, LLC regarding rezoning application Z-93(Art Frame, LLC) of 2004, for property located on the south side of Veterans Memorial Highway, east of Lakeshore Drive in Land Lot 47 of the 18<sup>th</sup> District.

**ITEM OB-044**

To consider amending the site plan and stipulations for David Pearson Communities, Inc. regarding rezoning application Z-14 (David Pearson Communities, Inc.) of 2014, for property located on the south side of First Drive, east of Sandy Plains Road in Land Lots 629 and 630 of the 16<sup>th</sup> District.

**ITEM OB-045**

To consider amending the site plan and stipulations for Poma Glass & Specialty Windows, Inc. regarding rezoning application #217 of 1978, for property located on the west side of Austell Road and on the south side of Pair Road in Land Lot 706 of the 19<sup>th</sup> District.

**ITEM OB-046**

To consider amending the site plan and stipulations for JW Homes, LLC regarding rezoning application Z-38 of 2007, for property located at the southeast intersection of Veterans Memorial Highway and Queens Mill Road in Land Lots 166 and 180 of the 18th 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.”

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