

**COBB COUNTY BOARD OF COMMISSIONERS
ZONING HEARING SUMMARY AGENDA
FEBRUARY 16, 2016**

CONSENT CASES

- Z-1 CLAREHOUSE LIVING, INC.**
Z-2 PASTA BELLA, INC.
Z-3 JOHN A. GLORE
Z-7 DIAMOND ROOFING COMPANY, INC.
Z-8 FEROS ALI
Z-9 JESSICA LOZANO MONTIEL
Z-12 COVENANT PRESBYTERIAN CHURCH
LUP-1 SHIRLEY STREETMAN
SLUP-2 LEGACY CHRISTIAN SCHOOL, INC.
OB-001 MITCHELL NIMEY

CONTINUED CASES

- Z-95^{'15} RACETRAC PETROLEUM, INC.** *(Previously continued by the Board of Commissioners from the December 15, 2015 zoning hearing)*
SLUP-9^{'15} MUNICIPAL COMMUNICATIONS, LLC (formerly SOUTHERN LINC WIRELESS) *(Previously continued by Staff from the December 1, 2015 Planning Commission hearing until the February 2, 2016 Planning Commission hearing)*

REGULAR CASES

- Z-13 QUIK TRIP CORPORATION**
Z-15 CHURCH LANE ONE, LLC
Z-17 EUN KYUNG PARK
LUP-2 KEVIN JORDAN

**CONTINUED OR HELD CASES BY PLANNING COMMISSION,
BOARD OF COMMISSIONERS OR STAFF**

- Z-87^{'15} FUQUA ACQUISITIONS II, LLC** *(Continued by Staff from the December 1, 2015 Planning Commission hearing until the March 1, 2016 Planning Commission hearing; therefore will not be considered at this hearing)*
Z-98^{'15} COLUMBIA PROPERTIES CAPITAL, LLC *(Continued by Staff from the December 1, 2015 and February 2, 2016 Planning Commission hearings until the March 1, 2016 Planning Commission hearing; therefore will not be considered at this hearing)*

**CONTINUED OR HELD CASES BY PLANNING COMMISSION,
BOARD OF COMMISSIONERS OR STAFF (Continued)**

- Z-102^{'15}** **GRIFFIN REAL ESTATE MANAGEMENT** *(Previously continued by Staff from the December 1, 2015 Planning Commission hearing, and continued by staff from the February 2, 2016 Planning Commission hearing until the March 1, 2016 Planning Commission hearing; therefore will not be considered at this hearing)*
- Z-105^{'15}** **EAH ACQUISITIONS, L.L.C.** *(Continued by Staff from the December 1, 2015 Planning Commission hearing until the March 1, 2016 Planning Commission hearing; therefore will not be considered at this hearing)*
- Z-106^{'15}** **CRP OAKMONT SKYLINE, II, L.L.C.** *(Previously continued by Staff from the December 1, 2015 Planning Commission hearing; continued by staff until the April 1, 2016 Planning Commission hearing; therefore will not be considered at this hearing)*
- Z-4** **UNIQUE INTERNATIONAL AUTO, LLC** *(Continued by the Planning Commission until their March 1, 2016 hearing)*
- Z-5** **ALDRIDGE GRADING & TRUCKING COMPANY, INC.**
(Continued by the Planning Commission until their March 1, 2016 hearing)
- Z-6** **GREENHOUSE PROPERTIES OF ATLANTA, LLC**
(Continued by Staff until the March 1, 2016 Planning Commission hearing; therefore will not be considered at this hearing)
- Z-10** **AP HOMES, INC.** *(Continued by Staff until the March 1, 2016 Planning Commission hearing; therefore will not be considered at this hearing)*
- Z-11** **MANOUCHEHR JAHANGARD** *(Continued by the Planning Commission until their March 1, 2016 hearing)*
- Z-14** **KUO KEN TAI** *(Continued by the Planning Commission until their March 1, 2016 hearing)*
- Z-16** **DOBBINS MILL, LLC** *(Continued by Staff until the March 1, 2016 Planning Commission hearing; therefore will not be considered at this hearing)*
- LUP-30^{'15}** **JOHN S. HYLE** *(Held by the Board of Commissioners until their March 15, 2016 hearing; therefore will not be considered at this hearing)*
- SLUP-1** **UNIQUE INTERNATIONAL Auto, LLC** *(Continued by the Planning Commission until their March 1, 2016 hearing)*
- SLUP-3** **DOBBINS MILL, LLC** *(Continued by Staff until the March 1, 2016 Planning Commission hearing; therefore will not be considered at this hearing)*
- SLUP-4** **MANOUCHEHR JAHANGARD** *(Continued by the Planning Commission until their March 1, 2016 hearing)*

OTHER BUISNESS CASES

ITEM OB-050 (2015)

To consider amending the site plan and stipulations for Walton Riverbend, LLC regarding rezoning application Z-8 (Julian LeCraw and Co.) of 1999, for property located on the southeast side of Akers Mill Road and Powers Ferry Road, west of Riverbend Club Drive in Land Lots 1031, 1032, 1057, 1058, 1066 and 1067 of the 17th District. *(Continued by Staff from the November 17, 2015 Board of Commissioners hearing, held by the Board of Commissioners from their December 15, 2015 hearing and continued by staff until the March 15, 2016 Board of Commissioners hearing, therefore will not be considered at this hearing)*

ITEM OB-057 (2015)

To consider amending the stipulations for Elite Auto Collision & Sales regarding rezoning application Z-175 of 1999 (Furniture World, Inc.), for property located on the south side of Veterans Memorial Highway, in Land Lots 46 and 71 of the 18th District. *(Previously held by the Board of Commissioners from their December 15, 2015)*

ITEM OB-001

To consider granting a Special Exception for a reduction of public road frontage as recommended by the Board of Zoning Appeals from their January 13, 2016 Variance Hearing regarding Variance Application V-15 MITCHELL NIMEY.

ITEM OB-002

To consider a stipulation amendment for S & B Investments, Inc. regarding property located at the northwest intersection of Johnson Ferry Road and Paper Mill Road, in Land Lots 73 and 81 of the 1st District. *(Continued by staff until the March 15, 2016 zoning hearing, therefore this item will not be heard at this hearing)*

OTHER BUISNESS CASES (Continued)

ITEM OB-003

To consider amending the stipulations for Racetrac Petroleum, Inc. regarding rezoning application Z-24 of 2014 (Racetrac Petroleum, Inc.), for property located on the northeast side of South Cobb Drive, north of Tibarron Parkway in Land Lot 753 of the 17th District. *(Continued by staff until the March 15, 2016 zoning hearing, therefore this item will not be heard at this hearing)*

ITEM OB-004

To consider a stipulation amendment for Oxford Properties, LLC regarding rezoning application Z-55 of 2013 (Riverview Office, LLC), for property located on the east side of Cobb Galleria Parkway and Cumberland Boulevard, and on the southwest side of Interstate 75, in Land Lots 1014 and 1015 of the 17th District. *(Continued by staff until the March 15, 2016 zoning hearing, therefore this item will not be heard at this hearing)*

ITEM OB-005

To consider a site plan and stipulation amendment for Brownstone Associates, Inc. regarding rezoning application Z-53 of 2014 (Brownstone Associates, Inc.), for property located on the northeast side of Steinhauer Road, east of Trickum Road, in Land Lot 123 of the 16th District.

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ZONING HEARING *CONSENT* AGENDA
FEBRUARY 16, 2016

Rezoning

Z-1 **CLAREHOUSE LIVING, INC.** (owner) requesting Rezoning from **HI** to **NRC** for the purpose of a Personal Care Facility With Assisted Living Component in Land Lot 910, of the 19th District. Located on the south side of Flint Hill Road, east of Industry Road (3948 Flint Hill Road). The Planning Commission recommends **deletion** of Z-1 to the **TS** zoning category, subject to:

1. **Site plan received by the Zoning Division on January 12, 2016 (on file in the Zoning Division)**
2. **Letters of agreeable conditions from Mr. Garvis L. Sams, Jr. dated January 12, 2016 and January 28, 2016, *not otherwise in conflict* (on file in the Zoning Division)**
3. **Zoning Division comments and recommendations, *not otherwise in conflict***
4. **Fire Department comments and recommendations, *not otherwise in conflict***
5. **Planning Division comments and recommendations, *not otherwise in conflict***
6. **Water and Sewer Division comments and recommendations, *not otherwise in conflict***
7. **Stormwater Management Division comments and recommendations, *not otherwise in conflict***
8. **Transportation Department comments and recommendations, *not otherwise in conflict***
9. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing of February 16, 2016**

Z-2 **PASTA BELLA, INC.** (G.B.A. Restaurant, Inc., owner) requesting Rezoning from **NS** to **R-15** for the purpose of Single-Family Residential in Land Lot 848 of the 19th District. Located on the east side of Reed Drive, north of Hurt Road (1561 and 3671 Reed Drive). The Planning Commission recommends **approval** of Z-2 to the **R-15** zoning category, subject to:

Z-2 Continued on next page

Z-2 PASTA BELLA, INC. (CONTINUED)

1. Site plan received by the Zoning Division on November 19, 2015, with the District Commissioner approving minor modifications (on file in the Zoning Division)
2. Allowance of variances as stated in Zoning Comments contained in the Zoning Analysis
3. 35' landscape buffer to be installed between the residential and commercial zonings; the buffer should be primarily on the commercial property, with the exception of where the 35' is not available given the new parking on the site plan, in that case, part of the buffer may be installed on the residential lots; landscaping to be placed around the new parking area; landscape and buffer plan to be submitted to the County Landscape Architect for approval; buffer to be installed within 90 days of Board of Commissioners' final approval
4. Fire Department comments and recommendations
5. Water and Sewer Division comments and recommendations
6. Stormwater Management Division comments and recommendations
7. Department of Transportation comments and recommendations
8. Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns
9. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing of February 16, 2016

Z-3 JOHN A. GLORE (Atlanta Safety Brake Service, Inc., owner) requesting rezoning from **GC** to **NRC** for the purpose of a Specialized Contractor in Land Lots 33 and 34 of the 18th District. Located on the west side of Sydney Ann Court, west of Powell Drive (5756 Sydney Court). The Planning Commission recommends approval of Z-3 to the **NRC** zoning category, subject to:

1. Site plan received by the Zoning Division on November 24, 2015, with recognition of encroachment into required 15 foot side yard setback on the southern side, as well as required rear 35 foot landscape buffer, with District Commissioner approving minor modifications (on file in the Zoning Division)

Z-3 JOHN A. GLORE (CONTINUED)

2. Letter of agreeable conditions from Mr. Garvis Sams, Jr. dated January 25, 2016, *not otherwise in conflict*, and with the following changes (on file in the Zoning Division)
 - Item No. 5 - second paragraph, first sentence - revise to read: *“The Applicant and/or his representative to form a landscape oversight committee comprised of the Applicant, MIC, and a representative of Community Development.....”*
 - Item No. 5 - second paragraph, add to end: *“The Community Development representative shall have final authority to arbitrate differences.”*
3. Use limited to a specialized contractor’s office, administrative or professional office use or retail use *only*
4. No outdoor storage or display of merchandise
5. County Arborist to approve rear 35 foot landscape buffer
6. Installation of a black vinyl coated fence six feet in height along the rear property line of the building
7. Fire Department comments and recommendations, *not otherwise in conflict*
8. Water and Sewer Division comments and recommendations, *not otherwise in conflict*
9. Stormwater Management Division comments and recommendations, *not otherwise in conflict*
10. Department of Transportation comments and recommendations, *not otherwise in conflict*
11. Inclusion on the Consent Agenda for the Board of Commissioners’ Zoning Hearing of February 16, 2016

Z-7 DIAMOND ROOFING COMPANY, INC. (South Trust Bank, owner) requesting Rezoning from **R-20** to **LI** for the purpose of a Contractor’s Office in Land Lot 34 of the 18th District. Located on the east side of Powell Drive, south of Veterans Memorial Highway (5827 Powell Drive). The Planning Commission recommends **deletion** of Z-7 to the **NRC** zoning category, subject to:

1. Site plan received by the Zoning Division on December 1, 2015, recognizing the existing lot size (on file in the Zoning Division)

Z-7 DIAMOND ROOFING COMPANY, INC. (CONTINUED)

2. Letter of agreeable conditions from Mr. Parks Huff dated February 2, 2016 (on file in the Zoning Division)
 - Item No. 3 - first sentence – revise to read: “...include F-150 and 250 sized vehicles and a maximum of two F-800 sized trucks.”
 - Item No. 3 - second sentence – revise to read: “Additionally, a maximum of two batch kettles....”
 - Item No. 12 – revise to read: “...lot will be repaved and striped for regular parking spaces within 180 days...”
 - Item No. 13 – revise to read: “...construct a six foot black or green vinyl coated chain linked fence...”
 - Item No. 13 – add to end: “Any pavement in front of the fence installed parallel to Powell Drive should be removed and landscaped as appropriate.”
3. No outdoor storage allowed
4. Fire Department comments and recommendations, *not otherwise in conflict*
5. Water and Sewer comments and recommendations, *not otherwise in conflict*
6. Stormwater Management Division comments and recommendations, *not otherwise in conflict*
7. Department of Transportation comments and recommendations, *not otherwise in conflict*
8. Inclusion on the Consent Agenda for the Board of Commissioners’ Zoning Hearing of February 16, 2016

Z-8 FERROZ ALI (South Cobb Drive Properties, LLC, owner) requesting Rezoning from **GC** to **CRC** for the purpose of a Convenience Market With Fuel Sales in Land Lot 295 of the 17th District. Located at the northwest corner of Austell Road and Atlanta Road (1250 Austell Road). The Planning Commission recommends deletion of Z-8 to the **TS** zoning category, subject to:

1. Site plan to be modified and resubmitted prior to the Board of Commissioners’ Meeting; northern boundary on the site plan to allow for fencing and landscaping; over time the landscaping should hide the fence
2. Letter of agreeable conditions from Mr. Parks Huff dated January 26, 2016 (on file in the Zoning Division)

Z-8 FEROZ ALI (CONTINUED)

3. Architecture of building to be in substantial conformance to the pictures provided at this hearing, with approval by the District Commissioner (on file in the Zoning Division)
4. Columns on canopy to be bricked
5. Six foot black or dark green vinyl coated privacy fence to be installed on the northern boundary, with heavy landscaping on both sides
6. Landscape plan and buffer to be approved by County Arborist and District Commissioner
7. Water and Sewer Division comments and recommendations, *not otherwise in conflict*
8. Stormwater Management Division comments and recommendations, *not otherwise in conflict*
9. Department of Transportation comments and recommendations, *not otherwise in conflict*
10. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing of February 16, 2016

Z-9 JESSICA LOZANO MONTIEL (Walter Listur and Amanda Listur, owners) requesting Rezoning from **NS** to **CRC** for the purpose of an Auto Broker's Office in Land Lot 1006 of the 19th District. Located on the east side of Austell Road, north of Elmwood Drive (4389 Austell Road). The Planning Commission recommends deletion of Z-9 to the **LRO** zoning category, subject to:

1. Site plan dated January 11, 1996, with allowance of additional parking and noting that the carport has been removed (on file in the Zoning Division)
2. Eight foot landscape enhancement strip to be installed along Austell Road right of way; landscaping to be installed around the building; landscape plan to be submitted and approved by the County Landscape Architect; installation of landscape and enhancement strip and landscaping to be completed within 90 days of final approval by the Board of Commissioners
3. Repair of the fascia, window trim, and crawl space access to be completed within 90 days of final approval by the Board of Commissioners
4. Water and Sewer Division comments and recommendations, *not otherwise in conflict*
5. Department of Transportation comments and recommendations, *not otherwise in conflict*
6. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing of February 16, 2016

Z-12 **COVENANT PRESBYTERIAN CHURCH** (owner) requesting Rezoning from **R-20** to **NRC** for the purpose of a Church With Electronic Sign in Land Lots 515, 516, 565 and 566 of the 16th District. Located at the northwest corner of Canton Road and Piedmont Road (2881 Canton Road). The Planning Commission recommends **approval** of Z-12 to the **NRC** zoning district, subject to:

1. Church or church related uses *only*
2. Sign Renderings received by the Zoning Division on December 3, 2015 (on file in the Zoning Division)
3. Department of Transportation comments and recommendations
4. Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns
5. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing of February 16, 2016

Land Use Permits

LUP-1 **SHIRLEY STREETMAN** (Paul L. Streetman, owner) requesting a **Land Use Permit (Renewal)** for the purpose of a Beauty Shop in Land Lot 269 of the 17th District. Located on the east side of Woodview Drive, south of Church Road (3195 Woodview Drive). The Planning Commission recommends **approval** of LUP-1 for **24 months**, subject to:

1. No on-street parking
2. Customers by appointment *only*
3. No employees
4. No signs
5. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing of February 16, 2016

Special Land Use Permits

SLUP-2 LEGACY CHRISTIAN SCHOOL, INC. (Noonday Baptist Association, Inc., owner) requesting a **Special Land Use Permit** for the purpose of a Private School in Land Lot 402 of the 16th District. Located on the south side of Shallowford Road, west of North Hembree Road (3662 Shallowford Road). The Planning Commission recommends **approval** of SLUP-2, subject to:

1. Site plan dated December 1, 2015, with District Commissioner approving minor modifications (on file in the Zoning Division)
2. Letters of agreeable conditions from Adam Rozen dated January 22, 2016 and January 27, 2016 (on file in the Zoning Division)
3. Fire Department comments and recommendations
4. Department of Transportation comments and recommendations
5. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing of February 16, 2016

Other Business Cases

ITEM OB-001

To consider granting a Special Exception for a reduction of public road frontage as recommended by the Board of Zoning Appeals from their January 13, 2016 Variance Hearing regarding Variance Application V-15 MITCHELL NIMEY. Staff recommends the Board of Commissioners **approve** the Special Exception, subject to:

1. The Board of Zoning Appeals minutes for V-15 of 2016.