
ZONING ANALYSIS

Planning Commission Public Hearing

April 1, 2016

Board of Commissioners' Public Hearing

April 19, 2016

Prepared by:
COBB COUNTY
PLANNING AND ZONING DIVISIONS

COBB COUNTY BOARD OF COMMISSIONERS

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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–April 1, 2016

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-87¹⁵** **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 17th District. Located on the west side of Spring Hill Parkway, north side of Paces Ferry Road, east side of Spring Hill Road and on the southwest side of Simpson Road. *(Previously continued by Staff from the December 1, 2015, February 2, 2016 and March 1, 2016 Planning Commission hearings)*
- Z-98¹⁵** **COLUMBIA PROPERTIES CAPITAL, LLC** (Herbert A. Collins, as Trustee of the Herbert A. Collins Revocable Living Trust, owner) requesting Rezoning from **R-20** to **RSL** and **NRC** for the purpose of Residential Senior Living (Non-Supportive) and Retail Shopping Center in Land Lots 330 and 331 of the 20th District. Located at the northwest intersection of Dallas Highway and Garrison Commons (2720, 2780 and 2782 Dallas Highway). *(Continued by Staff from the December 1, 2015, February 2, 2016 and March 1, 2016 Planning Commission hearings until May 3, 2016 Planning Commission hearing; therefore will not be considered at this hearing)*
- Z-105¹⁵** **EAH ACQUISITIONS, L.L.C.** (Due to individual parcels, a complete list of titleholders is available in the Zoning Office) requesting Rezoning from **R-30** to **RSL** for the purpose of Residential Senior Living (Non-Supportive) in Land Lots 758, 759, 826 and 827 of the 16th District. Located at the north intersection of Johnson Ferry Road and Bishop Lake Road. *(Previously continued by Staff from the December 1, 2015 Planning Commission hearing until the April 1, 2016 Planning Commission hearing)*

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- Z-5** **ALDRIDGE GRADING & TRUCKING COMPANY, INC.** (Timothy C. Aldridge, owner) requesting Rezoning from **R-20** to **LI** for the purpose of a Contractor in Land Lot 44 of the 18th District. Located on the south side of Veterans Memorial Highway, west of Cooks Road (86 Veterans Memorial Highway). *(Previously continued by the Planning Commission from their February 2, 2016 hearing, and previously continued by Staff from the March 1, 2016 Planning Commission hearing)*
- Z-11** **MANOUCHEHR JAHANGARD** (Hilswepow, LLC, owner) requesting Rezoning from **PSC** and **R-20** to **NRC** for the purpose of a Climate-Controlled Self-Storage Facility in Land Lot 34 of the 18th District. Located at the southeast corner of Veterans Memorial Highway and Powell Drive, and on the south side of Old Powder Springs Road (1391 Veterans Memorial Highway). *(Previously continued by the Planning Commission from their February 2, 2016 hearing, and previously continued by Staff from the March 1, 2016 Planning Commission hearing)*
- Z-14** **KUO KEN TAI** (owner) requesting Rezoning from **OS** and **NS** to **LI** for the purpose of Warehouse/Distribution in Land Lot 45 of the 18th District. Located on the north side of Veterans Memorial Highway, west of North Allen Road. *(Previously continued by the Planning Commission from their February 2, 2016 hearing, and previously continued by Staff from the March 1, 2016 Planning Commission hearing)*
- Z-16** **DOBBINS MILL, LLC** (East Brook Development, LLC, owner) requesting Rezoning from **R-20**, **MHP** and **GC** to **HI** for the purpose of Office, Warehouse, and Waste Transfer Station in Land Lot 283 of the 17th District. Located at the terminus of Dunn Avenue, on the west side of West Atlanta Street. *(Previously continued by Staff from the February 2, 2016 and March 1, 2016 Planning Commission hearings)*

- Z-18** **POPE & LAND ENTERPRISES, INC.** (John M. Struhar, Jr., Edward K. Murphy and Denise D. Murphy, owners) requesting Rezoning from **RM-8** to **RRC** for the purpose of a Mixed Use Development in Land Lot 977, of the 17th District. Located on the easterly side of River Oaks Drive, north of Stillhouse Lane. *(Continued by Staff from the March 1, 2016, and April 1, 2016 Planning Commission hearings until the May 3, 2016 Planning Commission hearing; therefore will not be considered at this hearing)*
- Z-21** **RACETRAC PETROLEUM, INC.** (Pepperwood, Inc., and Mountainprize, Inc., owners) requesting Rezoning from **GC** to **NRC** for the purpose of a Convenience Store With Fuel Sales in Land Lot 660 of the 16th District. Located at the southwest intersection of Canton Road and Westerly Way. *(Previously continued by Staff from the March 1, 2016 Planning Commission hearing)*
- SLUP-3** **DOBBINS MILL, LLC** (East Brook Development, LLC, owner) requesting a **Special Land Use Permit** for the purpose of a Waste Transfer Station in Land Lot 283 of the 17th District. Located at the terminus of Dunn Avenue, on the west side of West Atlanta Street. *(Previously continued by Staff from the February 2, 2016 and March 1, 2016 Planning Commission Hearings)*
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- SLUP-5** **VERIZON WIRELESS (VAW) LLC** (William Pappert, owner) requesting a **Special Land Use Permit** for the purpose of a Telecommunications Facility in Land Lot 1179 of the 19th District. Located on the east side of Hill Road, west of Brownsville Road (4980 Brownsville Road). *(Continued by Staff until the May 3, 2016 Planning Commission hearing; therefore will not be considered at this hearing)*

REGULAR CASES --- NEW BUSINESS

Rezoning

- Z-26** **BP-CLIPPER OIL** (S.N.S. Corporation, owner) requesting Rezoning from **GC** to **NRC** for the purpose of a Convenience Store With Fuel Sales in Land Lots 602 and 603 of the 18th District. Located on the east side of Six Flags Parkway, south of Lee Industrial Boulevard, and on the north side of I-20 (124 Six Flags Parkway).
- Z-27** **MR. AND MRS. CHARLES ADEDOYIN** (Olajumoke Adedoyin and Charles Adedoyin, owners) requesting Rezoning from **R-30** to **R-20** for the purpose of Three Residential Lots in Land Lot 289 of the 19th District. Located on the west side of Corner Road, north of Echo Mill Drive.
- Z-28** **FATIMAH WILLOUGHBY** (Earl's Pearls, LLC, owner) requesting Rezoning from **R-20** to **NRC** for the purpose of a Child Daycare Academy in Land Lot 216 of the 20th District. Located on the west side of Kennesaw Due West Road, and east side of Stilesboro Road (1595 Kennesaw Due West Road).
- Z-29** **MCL PROPERTIES** (Marsha M. Mamn, Lynn H. Harper, Cindy Holbrook, and Lois Dean Holbrook, owners) requesting Rezoning from **GC** to **NRC** for the purpose of an Office in Land Lot 59 of the 17th District. Located on the east side of Austell Road, and the south side of Brackett Street (2311 Austell Road).
- Z-30** **180 HOLDINGS, LLC** (Robbin B. Sotir, Living Trust, owner) requesting Rezoning from **LRO** to **RSL (Supportive)** for the purpose of a Residential Senior Living Facility (Supportive) in Land Lots 27 and 48 of the 19th District. Located on the west side of Ernest Barrett Parkway, south of Dallas Highway, and at the eastern terminus of Big Oaks Drive (3602 Ernest Barrett Parkway). **WITHDRAWN WITHOUT PREJUDICE**

- Z-31** **PHOENIX GRP, LLC** (owner) requesting Rezoning from **R-20** to **RA-5** for the purpose of Three Single-Family Residences in Land Lot 10 of the 1st District. Located on the west side of Cagle Road, north of its intersection with Lower Roswell Road. *(Continued by Staff until the May 3, 2016 Planning Commission hearing; therefore will not be considered at this hearing)*
- Z-32** **THE STONEHENGE GROUP** (AM & S Enterprises, Inc; and Lisa Carol Tilson, owners) requesting Rezoning from **R-15** and **O&I** to **RA-5** and **FST** for the purpose of an Attached And Detached Single Family Subdivision in Land Lot 1030 of the 16th District. Located on the east side of Lecroy Drive, and on the north side of Robinson Road (810 and 820 Lecroy Drive).

Land Use Permits

- LUP-4** **COVERED BRIDGE MONTESSORI SCHOOL** (Early Education, LLC, owner) requesting a **Land Use Permit (Renewal)** for the purpose of Providing Daycare Services in Land Lots 50, 51, 94 and 95 of the 17th District. Located on the west side of Hurt Road, north of Plantation Road (488 Hurt Road).
- LUP-5** **MARIA CLAUDIA ORTEGA** (Jesus Maria Silva and Maria Claudia Ortega, owners) requesting a **Land Use Permit (Renewal)** for the purpose of a Daycare in Land Lots 949 and 950 of the 16th District. Located on the east side of Allgood Road, north of Camellia Drive (1096 Allgood Road).
- LUP-6** **DATHAN JOHNSON** (Dathan J. Johnson and Marie L. Johnson, owners) requesting a **Land Use Permit (Renewal)** for the purpose of a Pet Dealer in Land Lots 769 and 770 of the 19th District. Located on the east side of Shadyside Road, north of Hurt Road (3319 Shadyside 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.”

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, 30090.

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.

COBB COUNTY
ZONING HEARING AGENDA
Board of Commissioners–April 19, 2016

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

- LUP-30¹⁵** **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 16th District. Located on the south side of McCook Way, east of McCook Circle (127 McCook Way). *(Previously held by the Board of Commissioners from their February 16, 2016 hearing and previously continued by Staff until the April 19, 2016 Board of Commissioners hearing)*
WITHDRAWN WITHOUT PREJUDICE BY STAFF
- Z-24** **BOOS DEVELOPMENT GROUP, INC.** (Mason Wayne Miller and Mary K. Miller, owners) requesting Rezoning from **NRC** and **R-20** to **NRC with Stipulations** for the purpose of Retail in Land Lot 1263 of the 19th District. Located at the intersection of the northwesterly side of Brownsville Road and the easterly side of Pine Valley Road. *(Previously continued by the Board of Commissioners until their April 19, 2016 hearing)*
- LUP-2** **KEVIN JORDAN** (owner) requesting a **Land Use Permit** for the purpose of Allowing More Unrelated Adults Than County Code Permits in Land Lot 134 of the 16th District. Located on the east side of Rambling Road, north of Starmist Court (4582 Rambling Road). *(Previously held by the Board of Commissioners from their February 16, 2016 hearing and previously continued by Staff until the April 19, 2016 Board of Commissioners hearing)*

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Special Land Use Permits

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HELD CASES

Z-6 GREENHOUSE PROPERTIES OF ATLANTA, LLC (owner) requesting Rezoning from **R-20** to **RA-5** for the purpose of Single-Family Residential in Land Lot 696 of the 17th District. Located on the north side of Lee Road, west of Atlanta Road (2019 and 2039 Lee Road). *(Previously held by the Board of Commissioner from the March 15, 2016 hearing)*

OTHER BUSINESS CASES

ITEM OB-006

To consider a site plan and stipulation amendment for Quality Construction, Inc. & AAA Quality Plumbing, Inc. regarding rezoning application Z-32 of 2015 (Quality Construction, Inc. & AAA Quality Plumbing, Inc.), for property located on the east side of Canton Road, south of Blackwell Lane, in Land Lot 637 of the 16th District. *(Continued by staff from the March 15, 2016 hearing)*

ITEM OB-011

To consider granting a Special Exception for a reduction of lot size as recommended by the Board of Zoning Appeals from their March 9, 2016 Variance Hearing regarding Variance Application V-30 RACETRAC PETROLEUM.

ITEM OB-012

To consider granting a Special Exception for a reduction of lot size as recommended by the Board of Zoning Appeals from their March 9, 2016 Variance Hearing regarding Variance Application V-35 QUICK RESPONSE FORCE.

ITEM OB-013

To consider a site plan and stipulation amendment for Greystone Village HOA, Inc. regarding rezoning application Z-13 of 2005 (Thomas Group Communities, LLC), for property located on the south side of Roswell Road, and on the east side of Hood Road, in Land Lot 985 of the 16th District.

ITEM OB-014

To consider a site plan and stipulation amendment for Jubilee Christian Church International, Inc. regarding application SLUP-17 of 2014 (Jubilee Christian Church International Glory and Tabernacle, Inc.), for property located on the north side of Macedonia Road, east of Hopkins Road, in Land Lot 717 of the 19th District.

ITEM OB-015

To consider a site plan amendment for Pace Academy, Inc. regarding application SLUP-11 of 2006 (Pace Academy, Inc.), for property located on the north side of Riverview Road and on the south side of Interstate 285, in Land Lots 685, 686, 755 and 756 of the 17th District.

ITEM OB-016

To consider a stipulation amendment for Medical Development, Corp. regarding rezoning application Z-33 of 2014 (Medical Development, Corp.), for property located on the west side of Bells Ferry Road, south side of Shiloh Path, and on the east and west sides of Bartlett Circle, in Land Lots 148 and 149 of the 16th District.

ITEM OB-017

To consider a site plan and stipulation amendment for Tanglewood Enclave, Inc. regarding rezoning application Z-87 of 2000 (Pearson Communities), for property located on the north side of Jamerson Road, east of Hawk Trail, in Land Lots 48 and 49 of the 16th District.

ITEM OB-018

To consider a stipulation amendment for KM Homes, LLC regarding rezoning application Z-85 of 2006 (Taylor & Mathis, Inc.), for property located on the south side of Townpark Lane, north of Chastain Road in Land Lots 362 and 363 of the 16th District.

ITEM OB-019

To consider a stipulation amendment for Powers Ferry Business Park, LLC regarding rezoning application #279 of 1980 (Robert F. Kern), for property located at the southeast corner of Powers Ferry Road and Shadowood Parkway in Land Lots 1008, 1009, 1032 and 1033 of the 17th District.

ITEM OB-020

To consider a Settlement of Litigation for regarding rezoning application Z-85 (Poma Glass & Specialty Windows, Inc) of 2015, for property located on the west side of Austell Road, and on the south side of Pair Road in Land Lot 706 of the 19th District.

ITEM OB-021

To consider a site plan and stipulation amendment for E-Rock Development, LLC regarding rezoning application Z-14 of 2013 (Richard Duncan), for property located on the east side of Wesley Chapel Road, North of Bluffview Drive, and on the west side of Andrews Crossing in Land Lots 256 and 321 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.”

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