

**COBB COUNTY BOARD OF COMMISSIONERS
ZONING HEARING SUMMARY AGENDA
JULY 19, 2016**

CONSENT CASES

Z-57 GRACIE LEE ANN MERAZ
Z-60 DUNCAN LAND INVESTMENTS, LLC
LUP-10 JEFFERY C. SMITH
LUP-12 SPURS OF HOPE, INC.
OB-033 SCOT CLARK
OB-036 JOHNNY L. ROPER

**CONTINUED OR HELD CASES BY PLANNING COMMISSION,
BOARD OF COMMISSIONERS OR STAFF (TO BE HEARD)**

Z-11 MANOUCHEHR JAHANGARD JAHANGARD (*Continued by the Planning Commission from their February 2, 2016 hearing, March 1, 2016 Planning Commission hearing, Held by the Planning Commission until the June 7, 2016 hearing, and continued by the Planning Commission until the July 7 Planning Commission hearing*)
Z-42 AMADU MANE(*Previously continued by the Board of Commissioners from the June 21, 2016 hearing until their July 19, 2016 hearing*)
SLUP-4 MANOUCHEHR JAHANGARD JAHANGARD (*Continued by the Planning Commission from their February 2, 2016 hearing, March 1, 2016 Planning Commission hearing, Held by the Planning Commission until the June 7, 2016 hearing, and continued by the Planning Commission until the July 7 Planning Commission hearing*)

REGULAR CASES

Z-56 CORTEZ AUTO SALES, INC.
SLUP-8 CORTEZ AUTO SALES, INC

WITHDRAWN CASES

Z-50 ADVENTUR LIVING LLC- WITHDRAWN WITHOUT
PREJUDICE

**CONTINUED OR HELD CASES BY PLANNING COMMISSION,
BOARD OF COMMISSIONERS OR STAFF (NOT TO BE HEARD)**

- Z-18** **POPE & LAND ENTERPRISES, INC.** *(Continued by Staff from the March 1, 2016, April 1, 2016, May 3, 2016, June 7, 2016 and July 7, 2016 Planning Commission hearings, until the August 2, 2016 Planning Commission hearing)*
- Z-35** **ADVENTUR LIVING LLC** *(Previously continued by the Board of Commissioners at the June 21, 2016 hearing until their July 19, 2016 hearing, Continued by staff until the August 16, 2016 hearing date)*
- Z-40** **ELITE AUTO COLLISION & SALES** *(Continued by Staff until the August 2, 2016 Planning Commission hearing)*
- Z-47** **PEBBLEBROOK DEVELOPMENT, LLC** *(Continued by Staff until the August 2, 2016 Planning Commission hearing)*
- Z-49** **JANAAL COLEMAN** *(Previously continued by the Board of Commissioners from the June 21, 2016 hearing until their July 19, 2016 hearing; continued by staff until the August 16, 2016 hearing)*
- Z-58** **LIDL US** *(Continued by Staff until the August 2, 2016 Planning Commission hearing)*
- Z-59** **CCIC, INC** *(Continued by Staff until the August 2, 2016 Planning Commission hearing)*
- LUP-11** **JESSICA BRENNAN** *(Held by the Planning Commission until the August 2, 2016 Planning Commission hearing)*

OTHER BUSINESS CASES

ITEM OB-028

To consider a stipulation amendment and site plan approval for NorSouth Development Company of Georgia, LLC regarding rezoning applications #248 of 1979 (River Properties, Inc.) and #12 of 1980 (Lenox Peachtree, Inc), for property located on the east side of Windy Hill Road, and on the north side of Wildwood Parkway, in Land Lots 987 and 988 of the 17th District. *(Previously continued from the May 17, 2016 and June 21, 2016 Board of Commissioners hearings until their July 19, 2016 hearing)*

ITEM OB-032

To consider a stipulation amendment and site plan amendment for Naseeb Rana regarding rezoning application Z-21 of 2015 (DDR Corporation), for property located on the south side of Sandy Plains Road, west of State Route 92, in Land Lot 107 of the 16th District. *(Previously continued by the Board of Commissioners at the June 21, 2016 hearing until their July 19, 2016 hearing)*

ITEM OB-033

To consider a site plan amendment for Scot Clark regarding rezoning application Z-112 of 1999 (Hawkins Development Corporation), for property located on the west side of Cumberland Parkway, and on the east side of I-285, in Land Lots 816 and 817 of the 17th District. *(Previously continued by the Board of Commissioners at the June 21, 2016 hearing until their July 19, 2016 hearing)*

ITEM OB-035

To consider a stipulation amendment for RaceTrac Petroleum regarding rezoning application Z-21 of 2000 (Metropolitan Foods, Inc.), for property located on the southwest corner of Floyd Road and Clay Road, in Land Lot 34 of the 17th District.

ITEM OB-036

To consider a stipulation amendment for Johnny L. Roper regarding rezoning application #37 of 1986 (Johnny L. Roper), for property located on the north side of Dallas Road, west of Martin Ridge Drive, in Land Lot 329 of the 20th District.

ITEM OB-037

To consider a stipulation and site plan amendment for W&H Investments, LLC regarding rezoning application Z-18 of 2006 (Weaver & Woodbury Company), for property located at the southwest intersection of Hicks Road and Concord Road, and on the east side of Floyd Road in Land Lots 29 and 30 of the 17th District and Land Lots 1000 and 1073 of the 19th District.

ITEM OB-038

To consider a stipulation amendment and site plan amendment for The Providence Group of Georgia Custom Homes, LLC regarding rezoning application Z-24 of 2013 (Cotter Properties & Development, LLC), for property located on the west side of Spring Hill Parkway, north of Spring Hill Road, in Land Lots 772, 813 and 814 of the 17th District.

ITEM OB-039

To consider a stipulation amendment for The Church of Pentecost USA, Inc. regarding rezoning application Z-80 of 2015 (The Church of Pentecost USA, Inc.), for property located on the southwest side of Mableton Parkway, south of Veterans Memorial Highway, and on the north side of Glore Circle, in Land Lots 36 and 37 of the 17th District.

ITEM OB-040

To consider a stipulation amendment for CPI Holdings, LLC regarding rezoning application Z-135 of 1994 (Columbia Properties Incorporated), for property located on the southeast corner of Mars Hill Road and Stilesboro Road, in Land Lots 224 and 225 of the 20th District.

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ZONING HEARING *CONSENT* AGENDA
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Rezoning

Z-57 **GRACIE LEE ANN MERAZ** (Gracie Lee Ann Meraz, owner) requesting Rezoning from **R-20** to **NRC** for the purpose of a Nonautomotive Repair Facility (painting equipment repairs/service) in Land Lot 132 of the 17th District. Located on the south side of Pat Mell Road, east of Austell Road (415 Pat Mell Road). The Planning Commission recommends **APPROVAL** subject to the following conditions:

1. Letter of agreeable conditions from Mr. Adam J. Rozen dated June 29, 2016, (on file in the Zoning Division), *not otherwise in conflict*
2. Landscape plan to be approved by the County Arborist and District Commissioner; all landscaping to installed within 120 days of Board of Commissioners' final decision; all landscaping to be maintained to plan with all dead or damaged plants replaced within 90 days
3. The open structure attached to the main dwelling is to be enclosed to meet all Cobb County regulations; enclosure to be completed within 180 days of Board of Commissioners' final decision
4. Use restricted to non-automotive repair *only*; no automobile uses allowed (i.e. emissions stations or fuel service station); and for this applicant *only*
5. No outdoor storage or display of merchandise
6. The District Commissioner may approve minor modifications, *except* for those that:
 - a. increase the overall building square footage of a non-residential project
 - b. cause a reduction in the size of an approved buffer adjacent to a property that is zoned the same or is more restrictive in its designated zoning category
 - c. cause the relocation of a structure closer to a property line that is in the same or more restrictive zoning category
 - d. increase the height of a building that is adjacent to a property that is in the same or more restrictive zoning category
 - e. change an access location to a different roadway
 - f. violate the Cobb County Zoning Ordinance
 - g. would be in direct conflict with or in direct contradiction to any Cobb County regulations or the foregoing stipulations

Z-57 GRACIE LEE ANN MERAZ (continued)

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. 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
12. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing of July 19, 2016

Z-60 DUNCAN LAND INVESTMENTS, LLC (Spero G. Karas, owner) requesting Rezoning from **R-20** to **RA-5** for the purpose of a subdivision in Land Lots 594 and 559 of the 16th District. Located on the east side of Bob Bettis Road, on the south side of Brown Circle, and on the north side of Fairview Drive (2712 Bob Bettis Road).

1. Site plan received by the Zoning Division on June 14, 2016, with the District Commission approving minor modifications (on file in the Zoning Division)
2. Letter of agreeable conditions from Duncan Land Investments dated June 27, 2016 (on file in the Zoning Division)
3. Water and Sewer Division comments and recommendations
4. Stormwater Management Division comments and recommendations
5. Department of Transportation comments and recommendations
6. 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
7. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing of July 19, 2016

Land Use Permits

LUP-10 **JEFFERY C. SMITH** (Jeffery C. Smith, owner) requesting a **Land Use Permit (Renewal)** for the purpose of selling produce in Land Lot 1054 of the 19th District. Located on the northeast side of Austell Powder Springs Road, southeast of Furr Avenue (4509 Austell Powder Springs Road).

1. **Fruit stand to be maintained at the side of the primary structure**
2. **Off-street parking and turn around space to be provided to the side and rear of the existing structures**
3. **Business activity limited to spring and summer months**
4. **Department of Transportation comments and recommendations**
5. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing of July 19, 2016**

LUP-12 **SPURS OF HOPE, INC.** (George Andrew Montgomery, Jr. owner) requesting a **Land Use Permit** for the purpose of equine therapy for foster children in Land Lot 715 of the 16th District. Located at the western terminus of Laura Lake Road (151 Laura Lake Road).

1. **Clients park on this property *only***
2. **Hours of operation to be Tuesday through Saturday only, from 9 a.m. until 6 p.m.**
3. **No signs;**
4. **To comply with all livestock code requirements;**
5. **Fire Department comments and recommendations;**
6. **Stormwater comments and recommendations.**
7. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing of July 19, 2016**

Other Business

ITEM OB-033

To consider a site plan amendment for Scot Clark regarding rezoning application Z-112 of 1999 (Hawkins Development Corporation), for property located on the west side of Cumberland Parkway, and on the east side of I-285, in Land Lots 816 and 817 of the 17th District. *(Previously continued by the Board of Commissioners at the June 21, 2016 hearing until their July 19, 2016 hearing)*. Staff recommends approval subject to:

- 1. Proposed site plan dated April 5, 2016, with the District Commissioner approving minor modifications;**
- 2. Stormwater Management comments; and**
- 3. All previous stipulation not in conflict with this amendment.**

ITEM OB-036

To consider a stipulation amendment for Johnny L. Roper regarding rezoning application #37 of 1986 (Johnny L. Roper), for property located on the north side of Dallas Road, west of Martin Ridge Drive, in Land Lot 329 of the 20th District. Staff recommends approval subject to:

- 1. Additional allowable use for a veterinarian;**
- 2. Stormwater Management comments; and**

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.