

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

CONSENT CASES

**Z-62 VENTURE HOMES
Z-64 STRATUS PROPERTY GROUP, LLC
Z-69 DONNA C. JENNINGS AND GARY A. JENNINGS
LUP-11 JESSICA BRENNAN
LUP-15 BRIAN C. YOUNG
OB-42 D.R. HORTON-CROWN LLC
OB-44 PARADISE GROUP
OB-45 BLACK BUILDERS, LLC
OB-47 ATLANTIC REALTY DEVELOPMENT, LLC
OB-49 ROBERT HIGHTOWER**

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

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)*

REGULAR CASES

**Z-63 YOSEF KAGAN
Z-66 PULTE HOME CORPORATION
Z-67 STEIN INVESTMENT COMPANY
Z-71 THE SAE SCHOOL
LUP-13 MARIETTA AFFORDABLE HOUSING
LUP-14 PINEAPPLE LUXE LLC
SLUP-9 STEIN INVESTMENT COMPANY
SLUP-10 THE SAE SCHOOL**

WITHDRAWN CASE

Z-59 **CCIC, INC.** (Continued by Staff from the July 7, 2016 Planning Commission hearing)

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, July 7, 2016, August 2, 2016 and September 8, 2016 Planning Commission hearings until the October 4, 2016 hearing)

Z-35 **ADVENTUR LIVING LLC** (Continued by the Board of Commissioners at the June 21, 2016 hearing until their July 19, 2016 hearing; Continued by staff from the July 19, 2016 and August 16, 2016 and hearing dates until the September 20, 2016 hearing date)

Z-40 **ELITE AUTO COLLISION & SALES** (Continued by Staff until the September 20, 2016 Board of Commissioners hearing)

Z-47 **PEBBLEBROOK DEVELOPMENT, LLC** (Continued by Staff from the June 7, 2016 and July 7, 2016 Planning Commission hearings; Held by the Planning Commission until the September 8, 2016 hearing)

Z-58 **LIDL US** (Continued by Staff from the August 2, 2016 Planning Commission hearing until the September 8, 2016 hearing)

Z-61 **VICTOR OKEREKE** (Continued by Staff until the September 8, 2016 Planning Commission hearing)

Z-65 **OLYMBEC USA, LLC by its attorney, ANDERSON, TATE & CARR, PC** (Continued by Staff until the September 8, 2016 Planning Commission hearing)

Z-68 **CALATLANTIC GROUP, INC** (Continued by Staff until the September 8, 2016 Planning Commission hearing)

Z-70 **FRONT DOOR COMMUNITIES, LLC, a GEORGIA LIMITED LIABILITY COMPANY** (Continued by Staff until the September 8, 2016 Planning Commission hearing)

OB-48 **RIVERVIEW ASSOCIATES, LTD.** (Continued by Staff until the September 20, 2016 Board of Commissioners hearing)

OTHER BUSINESS CASES

ITEM OB-041

To consider a stipulation amendment and site plan amendment for Nicole and Carlos Martinez regarding rezoning application Z-44 of 2002 (Yancey Development Company), for property located on the west side of Lochstone Drive, north of Islington Drive in Land Lot 302 of the 19th District (1363 Lochstone Drive).

ITEM OB-042

To consider a stipulation amendment and site plan amendment for D.R. Horton- Crown LLC regarding rezoning application Z-210 of 2005 (W&H Properties, LLC), for property located on the east side of Maxham Road and on the west end of Apple Orchard Way, in Land Lots 87, 88 and 145 of the 18th District (2191, 2210 and 2194 Apple Orchard Way).

ITEM OB-043

To consider amending the site plan and zoning stipulations for Addanki and Lakshmi Hanumantha regarding rezoning application Z-59 (SIR Properties, Inc.) of 2004, for property located on the north side of Thayer Drive, west of Lost Mountain Road in Land Lots 429 and 430 of the 19th District (4210 Thayer Drive).

ITEM OB-044

To consider amending the site plan and zoning stipulations for Paradise Group for rezoning application Z-141 (Ben Lefkowitz) of 1994, for property located on the west side of Johnson Ferry Road, north of Waterfront Circle in Land Lot 470 of the 16th District (3075 Johnson Ferry Road).

ITEM OB-045

To consider amending the zoning stipulations for Black Builders, LLC regarding rezoning application Z-33 of 2013 (Blake Properties, Inc.), for property located on the west side of West Sandtown Road, southwest of Dallas Highway in Land Lots 22 & 23 of the 19th District, and Land Lots 331 & 332 of the 20th District.

ITEM OB-046

To consider amending the stipulations for St. Benedicts Episcopal Church, LLC regarding rezoning case Z-21 of 2008, Z-29 of 2012 and SLUP-9 of 2008 (St. Benedicts Episcopal Church, LLC) located on the east side of Cooper Lake Road and on the west side of Atlanta Road in Land Lots 694 & 695 of the 17th District.

ITEM OB-047

To consider amending the zoning stipulations and site plan relating for Atlantic Realty Development, LLC regarding rezoning application Z-116 of 2004 (B. F. Saul Real Estate Investment Trust), for property located on the south side of Crescent Parkway, southeasterly of Herodian Way Land Lots 878 and 916 of the 17th District.

ITEM OB-048

To consider site plan and stipulation amendment for Riverview Associates, Ltd. regarding rezoning application Z-49 of 2008 (Tri-Kell Investments, Inc.), for property located at the northwesterly intersection of Paces Mill Road and U.S. Highway 41 in Land Lots 976, 977, 1016 and 1017 of the 17th District. (*Continued by staff until the September 20, 2016 hearing*).

ITEM OB-049

To consider site plan and stipulation amendment for Robert Hightower regarding rezoning application Z-81 of 2015 (Aldi, Inc.), for property located on the east side of Canton Road, north of Chastain Corners in Land Lot 372 of the 16th District (3592 & 3586 Canton Road).

**COBB COUNTY BOARD OF COMMISSIONERS
ZONING HEARING *CONSENT* AGENDA
AUGUST 16, 2016**

Rezoning

Z-62 VENTURE HOMES (Ronald W. Mann & Marsha H. Mann, owners) requesting Rezoning from **R-20** to **RA-5** for the purpose of a Single Family Subdivision in Land Lots 549 and 562 of the 19th District. Located on the easterly side of Milford Church Road, east of Powder Springs Road (1910 Milford Church Road). The Planning Commission recommends **APPROVAL** to **RA-5** subject to the following conditions:

1. Revised site plan received by the Zoning Division on July 12, 2016, with the District Commissioner approving minor modifications (on file in the Zoning Division)
2. Letter of agreeable conditions from Mr. Sean Randall dated July 29, 2016 (on file in the Zoning Division), with the following change:
 - A. Item No. 4, third sentence – add to end: *“No more than one third of the homes to have less than 60% masonry on the front elevation.”*
3. Landscape plan to be reviewed and approved by the County Arborist
4. Water and Sewer Division comments and recommendations
5. Fire Department 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 August 16, 2016

Z-64 STRATUS PROPERTY GROUP, LLC (HOME DEPOT U.S.A., INC, owner) requesting Rezoning from **GC** to **RM-8** for the purpose of a Multifamily residential (Student Housing) in Land Lot 61 of the 20th District. Located on the west side of Shiloh Road, south of Bentrige Drive (Shiloh Road). The Planning Commission recommends **APPROVAL** to **RM-8** subject to the following conditions:

1. Site plan received by the Zoning Division on June 2, 2016, with the District Commissioner approving minor modifications (on file in the Zoning Division)
2. Letter of agreeable conditions from Mr. Garvis L. Sams, Jr. dated July 13, 2016 (on file in the Zoning Division)
3. Architecture to be approved by the District Commissioner
4. Maximum eight units per acre
5. Site Plan Review Division comments and recommendations
6. Water and Sewer Division comments and recommendations
7. Stormwater Management Division comments and recommendations
8. Department of Transportation comments and recommendations
9. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing of August 16, 2016

Z-69 DONNA C. JENNINGS AND GARY A. JENNINGS (Gary A. Jennings and Donna C. Jennings, owners) requesting Rezoning from **GC** to **NRC** for the purpose of Retail in Land Lot 637 of the 16th District. Located on the southwest corner of Canton Road and Blackwell Lane (2511 Canton Road). The Planning Commission recommends **APPROVAL** to **NRC** subject to the following conditions:

1. Neighborhood retail and Professional Office uses *only*
2. No automotive repair or automotive uses
3. No outdoor storage or outdoor display of merchandise
4. Allowance of parking variances to 29 parking spaces
5. Subject to the Canton Road Design Guidelines
6. No contractors as a special exception use
7. Water and Sewer Division comments and recommendations
8. Stormwater Management Division comments and recommendations
9. Department of Transportation comments and recommendations
10. 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
11. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing of August 16, 2016

Land Use Permits

LUP-11 **JESSICA BRENNAN** (Jessica Brennan and Dana J. Brennan, owners) requesting a **Land Use Permit** for the purpose of an in home hair salon in Land Lot 239 of the 17th District. Located at the southwest corner of Vanessa Drive and Cline Drive (42 Vanessa Drive). The Planning Commission recommends **APPROVAL** for **12** months subject to the following:

1. **Hours of operation are 9:00 a.m. until 6:00 p.m. Thursday and Saturday only**
2. **Maximum of six customers per day**
3. **No on-street parking**
4. **No signs**
5. **Department of Transportation comments and recommendations, *not otherwise in conflict***
6. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on August 16, 2016**

LUP-15 **BRIAN C. YOUNG** (Brian C. Young, owner) requesting a **Land Use Permit** for the purpose of Creating Crafts to be Sold at other locations-not in home in Land Lot 225 of the 20th District. Located on the north side of Middleton Place, north of Drayton Hall Drive (5274 Middleton Place). The Planning Commission recommends **APPROVAL** for **12** months subject to the following:

1. **Any code enforcement complaints resulting in a conviction will automatically revoke this Land Use Permit**
2. **No employees**
3. **No customers or clients coming to house**
4. **No deliveries**
5. **No signs**
6. **Fire Departments comments and recommendations**
7. **Water and Sewer Division comments and recommendations**
8. **Stormwater Management comments and recommendations**
9. **Department of Transportation comments and recommendations**
10. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing of August 16, 2016**

Other Business

ITEM OB-042

To consider a stipulation amendment and site plan amendment for D.R. Horton- Crown LLC regarding rezoning application Z-210 of 2005 (W&H Properties, LLC), for property located on the east side of Maxham Road and on the west end of Apple Orchard Way, in Land Lots 87, 88 and 145 of the 18th District (2191, 2210 and 2194 Apple Orchard Way). Staff recommends approval subject to:

- 1. The 25 foot landscape buffer be reduced to a 10 foot landscape buffer for lots 10 and 12, and a five foot landscape buffer for lot 11. Buffer areas to be approved by the County Landscape Architect. A fence may be placed on the property line.**
- 2. All previous stipulations not in conflict with this amendment.**

ITEM OB-044

To consider amending the site plan and zoning stipulations for Paradise Group for rezoning application Z-141 (Ben Lefkowitz) of 1994, for property located on the west side of Johnson Ferry Road, north of Waterfront Circle in Land Lot 470 of the 16th District (3075 Johnson Ferry Road). Staff recommends approval subject to:

- 1. Deletion of stipulation #4.**
- 2. All previous stipulations not in conflict with this amendment.**

ITEM OB-045

To consider amending the zoning stipulations for Black Builders, LLC regarding rezoning application Z-33 of 2013 (Blake Properties, Inc.), for property located on the west side of West Sandtown Road, southwest of Dallas Highway in Land Lots 22 & 23 of the 19th District, and Land Lots 331 & 332 of the 20th District. Staff recommends approval subject to:

- 1. Extend the reversion clause for an additional 18 months from August 16, 2016.**
- 2. All previous stipulations not in conflict with this amendment.**

ITEM OB-047

To consider amending the zoning stipulations and site plan relating for Atlantic Realty Development, LLC regarding rezoning application Z-116 of 2004 (B. F. Saul Real Estate Investment Trust), for property located on the south side of Crescent Parkway, southeasterly of Herodian Way Land Lots 878 and 916 of the 17th District. Staff recommends approval subject to:

- 1. Exhibit B contained in the Other Business packet.**
- 2. Site plan labeled Exhibit 2, with the District Commissioner approving minor modifications.**
- 3. All previous stipulations not in conflict with this amendment.**

ITEM OB-049

To consider site plan and stipulation amendment for Robert Hightower regarding rezoning application Z-81 of 2015 (Aldi, Inc.), for property located on the east side of Canton Road, north of Chastain Corners in Land Lot 372 of the 16th District (3592 & 3586 Canton Road). Staff recommends approval subject to:

- 1. No outdoor storage of displays of merchandise.**
- 2. Hours for customers be Monday through Friday from 6:00 a.m. to 6:00 p.m., Saturday from 8:00 a.m. to 2:00 p.m., closed to customers on Sundays.**
- 3. Site plan received by the Zoning Division July 13, 2016 with District Commissioners approving minor modifications.**
- 4. No service vehicles parked overnight.**
- 5. Board of Commissioners approve any site plan that qualifies as a redevelopment.**
- 6. All previous stipulations from Z-81 of 2015 to remain in effect and be done at redevelopment.**
- 7. Real estate sign to remain on the corner tract.**
- 8. Monument based sign to remain in place.**
- 9. District Commissioner approve the final landscaping and exterior improvements.**
- 10. Applicant participate in the pedestrian street light 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.”

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.