

**COBB COUNTY BOARD OF COMMISSIONERS
ZONING HEARING SUMMARY AGENDA
FEBRUARY 21, 2017**

CONSENT CASES

- Z-1^{'17}** JACKIE PAYNE
Z-2^{'17} LUCIO ARVIZU RODRIGUEZ
Z-8^{'17} RACETRAC PETROLEUM, INC
LUP-1^{'17} SHILOH HILLS CHRISTIAN SCHOOL
OB-001 AMANDA FARD
OB-002 WORD OF FAITH INTERNATIONAL CHRISTIAN
CENTER
OB-005 JEFFREY S. BROWN

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

- Z-86^{'16}** WINDSONG PROPERTIES, LLC (*Previously continued by Staff from the October 4, 2016 and November 1, 2016 Planning Commission hearings; Held by the Planning Commission from the December 6, 2016 hearing until the February 7, 2017 hearing*)
Z-117^{'16} HICKS BUSINESS ENTERPRISES, LLC (*Previously continued by the Planning Commission until the February 7, 2017 Planning Commission hearing*)
LUP-29^{'16} SM LIVING, LLC (*Previously continued by Staff until the February 7, 2017 Planning Commission hearing*)
LUP-30^{'16} SM LIVING, LLC (*Previously continued by Staff until the February 7, 2017 Planning Commission hearing*)
LUP-31^{'16} SM LIVING, LLC (*Previously continued by Staff until the February 7, 2017 Planning Commission hearing*)
LUP-32^{'16} SM LIVING, LLC (*Previously continued by Staff until the February 7, 2017 Planning Commission hearing*)
LUP-33^{'16} SM LIVING, LLC (*Previously continued by Staff until the February 7, 2017 Planning Commission hearing*)

REGULAR CASES

- Z-3^{'17}** RJASANI ENT, LLC
Z-6^{'17} SIASIM PAT MELL, LLC

WITHDRAWN CASES

- Z-68¹⁶** CALATANTIC GROUP, INC. (WITHDRAWN WITHOUT PREJUDICE)
Z-82¹⁶ GOLDENANCHOR BOAT STORAGE, LLC (WITHDRAWN WITHOUT PREJUDICE)
Z-115¹⁶ BROOKS CHADWICK CAPITAL, LLC. (WITHDRAWN WITHOUT PREJUDICE)
Z-4¹⁷ MARIETTA ICE LLC (WITHDRAWN WITHOUT PREJUDICE)
SLUP-1¹⁷ MARIETTA ICE LLC (WITHDRAWN WITHOUT PREJUDICE)
OSC-17-01 BENCHMARK CONTRACTORS, INC. (WITHDRAWN WITHOUT PREJUDICE)

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

- Z-18¹⁶** POPE & LAND ENTERPRISES, INC. (*Previously continued by Staff from the March 1, 2016, April 1, 2016, May 3, 2016, June 7, 2016, July 7, 2016, August 2, 2016, September 8, 2016, October 4, 2016, November 1, 2016, December 6, 2016 and February 7, 2017 Planning Commission hearings until the March 7, 2017 Planning commission hearing*)
Z-35¹⁶ ADVENTUR LIVING LLC (*Held by the Board of Commissioners from their November 15, 2016 hearing; Continued until the lawsuit is settled*)
Z-93¹⁶ KAPLAN MORGAN VININGS DEVELOPMENT, LLC (*Previously continued by Staff from the December 6, 2016 Planning Commission hearing until the February 7, 2017 Planning Commission hearing and continued by staff until the March 21, 2017 Board of Commissioners hearing*)
Z-97¹⁶ ROYAL RESIDENTIAL, INC (*Previously continued by the Planning Commission from their November 1, 2016 hearing; held from the December 6, 2016 Planning Commission hearing until the February 7, 2017 hearing; Continued by staff until the March 7, 2017 Planning Commission hearing*)

- Z-101^{'16}** **PROVINCE HOMES, LLC** (*Previously held by the Planning Commission from their November 1, 2016 hearing and continued by staff from the December 6, 2016 Planning Commission and February 21, 2017 Board of Commissioners hearing until the April 18, 2017 Board of Commissioners hearing*)
- Z-111^{'16}** **RSDC1, LLC** (*Previously held by the Planning Commission from the December 20, 2016 hearing and continued from February 7, 2017 Planning Commission hearing until the March 7, 2017 Planning Commission hearing*)
- Z-112^{'16}** **DUNCAN LAND INVESTMENTS, LLC** (*Previously continued by Staff from the December 6, 2016 and February 7, 2017 Planning Commission hearings to the March 7, 2017 Planning Commission hearing*)
- Z-113^{'16}** **HABITAT FOR HUMANITY OF NORTHWEST METRO ATLANTA, INC. LLC** (*Previously held by the Planning Commission until the February 7, 2017 Planning Commission hearing and continued by the Planning Commission until the March 7, 2017 hearing*)
- Z-114^{'16}** **CAPKEY REAL ESTATE ADVISORS** (*Previously continued by Staff from the November 1, 2016 and December 6, 2016 Planning Commission hearings; Held by the Planning Commission until the March 7, 2016 hearing*)
- Z-116^{'16}** **ST. CLAIR HOLDINGS, LLC** (*Continued by the Board of Commissioners until the February 21, 2017 hearing; continued by staff until the March 21, 2017 hearing*)
- Z-119^{'16}** **MAYWEATHER ENTERPRISE** (*Continued by Staff until the March 21, 2017 Board of Commissioners hearing*)
- Z-5^{'17}** **JOSHUA POWELL, SR. AND LAUREN POWELL** (*Continued by staff until the March 7, 2017 Planning Commission hearing*)
- Z-7^{'17}** **POLLACK SHORES REAL ESTATE GROUP, LLC** (*Held by the Planning Commission until the March 7, 2017 Planning Commission hearing*)
- LUP-2^{'17}** **LIVING HOPE LUTHERAN CHURCH** (*Continued by Staff until the March 7, 2017 Planning Commission hearing*)
- OSC-17-02** **W&H INVESTMENTS, LLC** (*Continued by Staff until the March 7, 2017 Planning Commission hearing*)

OTHER BUSINESS

ITEM OB-001

To consider granting a Special Exception for a reduction of lot size as recommended by the Board of Zoning Appeals from their January 11, 2017 Variance Hearing regarding Variance Application V-5 AMANDA FARD.

ITEM OB-002

To consider amending the site plan and stipulations for Word of Faith International Christian Center regarding rezoning application Z-94 (E.W. Connector) of 2003, for property located on the southern end of Tramore Pointe Parkway, south of the East West Connector in Land Lot 916 the 19th District.

ITEM OB-003

To consider amending the stipulations and provide clarification for Venture Homes, Inc. regarding rezoning application Z-45 (Walton Communities, LLC) of 2005, for property located on the south side of Anderson Mill Road, the east side of Austell Road and on the west side of Chelou Drive in Land Lots 993, 994 and 1005 the 19th District.

ITEM OB-004

To consider amending the stipulations for 5441 Rufe Snow, Ltd. and Hilltop TIC, LP regarding rezoning application Z-11 (Manouchehr Jahangard) of 2016, for property located at the southeast corner of Veterans Memorial Highway and Powell Drive in Land Lot 34 the 18th District.

ITEM OB-005

To consider amending the site plan and stipulations for Jeffery S. Brown regarding rezoning application #321 (Gene Hall Associates) of 1985, for property located on the south side of East Piedmont Road, and on the east side of Sandy Plains Road in Land Lots 629 and 630 the 16th District.

OSC-17-01

To consider approval of an R-20 Open Space Community Overlay application for Benchmark Contractors, Inc., regarding Application OSC 17-01 filed November 29, 2016, for property located on the east side of John Ward Road across from Brookmont Trace, south of Windfield Land, and north of Bonniewood Dr. and at 951 John Ward Road in Land Lots 177 & 178 of the 19th District. **WITHDRAWN WITHOUT PREJUDICE**

OSC-17-02

To consider approval of an R-20 Open Space Community Overlay application for W&H Investments, LLC, regarding Application OSC 17-02 filed December 6, 2016, for property located on the west side of Mount Calvary Road, north of Dallas Highway in Land Lot 328 of the 20th District and Land Lot 30 of the 19th District. *(Continued by Staff until the March 7, 2017 Planning Commission hearing)*

**COBB COUNTY BOARD OF COMMISSIONERS
ZONING HEARING *CONSENT* AGENDA
FEBRUARY 21, 2017**

Rezoning

Z-1 **JACKIE PAYNE** (Jackie Payne, owner) requesting Rezoning from **R-30** to **LI** for the purpose of a Warehouse with an Office in Land Lot 1051 of the 19th District. Located on the south side of Oglesby Road, east of Lewis Road. The Planning Commission recommends **approval** of Z-1 to the **LI** zoning category, subject to:

- 1. Site plan received by the Zoning Division on February 6, 2017 (on file in the Zoning Division)**
- 2. Contractor office, warehouse and storage uses *only*, with associated parking of vehicles for these uses**
- 3. No outdoor storage, except within the fenced and screened commercial vehicle parking area**
- 4. New warehouse to be a maximum of 4000 sq. ft.**
- 5. No accessory structures**
- 6. Removal of the carport on the western side of the dwelling**
- 7. District Commissioner to approve architecture and color of existing house and new warehouse building**
- 8. The existing driveway and parking indicated on the site plan as asphalt and concrete near the northwest corner of the property to be removed and the driveway location closed; area to be landscaped with grass and/or landscaping**
- 9. Installation of a 10 foot landscape buffer along the eastern property line from the front setback of the house to the beginning of the required county stream buffer; an eight foot privacy fence to be placed inside of the buffer, such that the fence is between the buffer the rest of the property to the east of the buffer; strike staff recommendation relative to a 10 foot fence instead of buffer**
- 10. Remove variance waiver of fence height from eight feet to 10 feet**
- 11. No vehicle parking to be in front of the front setback of the existing house; no commercial vehicle parking to be in front of the rear of the existing house; parking of commercial vehicles to be screened from view with both fencing at least six feet in height and landscaping in front of the fencing; the purpose of the landscaping is to soften the look of the fencing; no landscaping shall be required for the southernmost fencing that faces the rear of the property**
- 12. Landscaping to be provided to the front of the existing house to provide beautification**

(Continued on the next page)

Z-1 JACKIE PAYNE (CONT.)

- 13. A unified plan is to be submitted for all required landscaping, buffering and fencing; the County Arborist to approve all landscaping and buffering plans with the District Commissioner having final approval of all landscaping, buffering, and fencing plans**
- 14. Any outdoor lighting to be environmentally sensitive to ensure light is not cast upon adjacent and nearby properties**
- 15. All driveway and parking areas in front of the rear of the existing house to be hardened surfaces**
- 16. The District Commissioner may approve minor modifications, *except* for those that:**
 - A. Increase the overall square footage of the buildings**
 - B. Cause a reduction in the size of an approved buffer**
 - C. Cause the relocation of a structure closer to the property line of an adjacent property that is zoned the same or is more restrictive zoning**
 - D. Increase the height of a building that is adjacent to a property that is zoned the same or is more restrictive zoning**
 - E. Change or is in conflict with an expressed stipulation in this zoning**
 - F. Requires a variance or violates Cobb County Ordinance**
- 17. Front, former residential building to be used for business office only, all storage to be within larger proposed warehouse building**
- 18. New concrete driveway and adequate minimum parking to be installed as per DOT and County standards and to be shown on site plan approved by District Commissioner**
- 19. 10 foot landscape screening buffer to be provided along the western property line in addition to eight foot privacy fencing, with final approval by District Commissioner)**
- 20. Hours to be Monday through Saturday 8:00 a.m. to 5:00 p.m.**
- 21. Fire Department comments and recommendations, *not otherwise in conflict***
- 22. Water and Sewer Division comments and recommendations, *not otherwise in conflict***
- 23. Stormwater Management Division comments and recommendations, *not otherwise in conflict***
- 24. Department of Transportation comments and recommendations, *not otherwise in conflict***
- 25. 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**
- 26. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing of February 21, 2017**

Z-2 **LUCIO ARVIZU RODRIGUEZ** (Lucio Arvizu and Amalia Rodriguez, owners) requesting Rezoning from **CF** to **R-15** for the purpose of a Single- Family Residence in Land Lot 60 of the 17th District. Located at the northwest corner of County Services Parkway and Kurt Drive. The Planning Commission recommends **approval** of Z-2 to the **R-15** zoning category, subject to:

1. **Lot size variance for the currently existing 14,660 square feet lot**
2. **Applicant will have 180 days from the Board of Commissioners' final decision to meet Department of Transportation requirements**
3. **The only parking on non-hardened surfaces is to be on those areas shown on site plan; no expansion of non-hardened parking areas**
4. **No outdoor storage allowed; Applicant to remove all outdoor storage within 30 days from the Board of Commissioners' final decision**
5. **Variances necessary for location of proposed carport to be authorized upon demonstration of support by the western neighbor; District Commissioner to approve elevations of the proposed structure**
6. **Fire Department comments and recommendations**
7. **Water and Sewer Division comments and recommendations**
8. **Stormwater Management Division comments and recommendations**
9. **Department of Transportation comments and recommendations last revised February 3, 2017**
10. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing of February 21, 2017**

Z-8 **RACETRAC PETROLEUM, INC** (Gholamreza Salimi, owner) requesting Rezoning from **NRC With Stipulations** to **NRC With Stipulations** for the purpose of a Convenience Market with Fuel Sales in Land Lot 910 of the 16th District. Located on the northwest corner of Roswell Road and Old Canton Road. The Planning Commission recommends **approval** of Z-8 to the **NRC with Stipulations** zoning category, subject to:

1. **Letter of agreeable conditions from Mr. Parks F. Huff dated February 6, 2017, including site plan and renderings (on file in the Zoning Division), with the following changes:**
 - A. **Item No. 6 – revise to read: “...current Federal, State, and County environmental standards...”**

(Continued on the next page)

Z-8 RACETRAC PETROLEUM, INC (CONT.)

- B. **Item No. 8 – add to the end: “No other outdoor storage will be allowed.”**
 - C. **Item No. 9 – add to end: “Final landscape plans to be approved by the County Arborist and the District Commissioner.”**
 - D. **Item No. 12 – add to the end: “The proposal and the request for dual monument signs must be addressed during Plan Review. District Commissioner to have final approval over signage.”**
2. **Variances as mentioned in the Zoning comments**
 3. **Fire Department comments and recommendations**
 4. **Water and Sewer Division comments and recommendations**
 5. **Stormwater Management Division comments and recommendations**
 6. **Department of Transportation comments and recommendations**
 7. **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**
 8. **Inclusion on the Consent Agenda for the Board of Commissioners’ Zoning Hearing of February 21, 2017**

LUP-1 SHILOH HILLS CHRISTIAN SCHOOL (Shiloh Hills Baptist Church of Cobb County, Inc., owner) requesting a **Land Use Permit (Renewal)** for the purpose of an Educational Program for three and four year olds in Land Lots 210 and 211 of the 16th District. Located on the south side of Hawkins Store Road, east of Bells Ferry Road. The Planning Commission recommends approval of LUP-1 for **24 months**, subject to:

1. **Site plan received by the Zoning Division on November 21, 2016 (on file in the Zoning Division)**
2. **Fire Department comments and recommendations**
3. **Stormwater Management Division comments and recommendations**
4. **Water and Sewer Division comments and recommendations**
5. **Department of Transportation comments and recommendations**
6. **Inclusion on the Consent Agenda for the Board of Commissioners’ Zoning Hearing of February 21, 2017**

Other Business Cases

ITEM OB-001

To consider granting a Special Exception for a reduction of lot size as recommended by the Board of Zoning Appeals from their January 11, 2017 Variance Hearing regarding Variance Application V-5 AMANDA FARD. Staff recommends approval subject to:

- 1. The Board of Zoning Appeals minutes from January 11, 2017.**

ITEM OB-002

To consider amending the site plan and stipulations for Word of Faith International Christian Center regarding rezoning application Z-94 (E.W. Connector) of 2003, for property located on the southern end of Tramore Pointe Parkway, south of the East West Connector in Land Lot 916 the 19th District.

- 1. Site plan received January 13, 2017, with the District Commissioner approving minor modifications.**
- 2. Architectural renderings contained in the Other Business packet with the District Commissioner approving the final architectural plans.**
- 3. Cobb DOT comments.**
- 4. Stormwater Management comments.**
- 5. All previous stipulation not in conflict with this amendment.**

ITEM OB-005

To consider amending the site plan and stipulations for Jeffery S. Brown regarding rezoning application #321 (Gene Hall Associates) of 1985, for property located on the south side of East Piedmont Road, and on the east side of Sandy Plains Road in Land Lots 629 and 630 the 16th District.

- 1. Site plan received January 13, 2017, with the District Commissioner approving minor modifications.**
- 2. All previous stipulation not in conflict with this amendment.**

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 Board of Commissioners 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 Board of Commissioners 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.