

**COBB COUNTY BOARD OF COMMISSIONERS
ZONING HEARING SUMMARY AGENDA
JULY 18, 2017**

CONSENT CASES

- Z-23^{'17}** **COURTNEY ELLIS** *(Previously held by the Planning Commission from their June 6, 2017 hearing until the July 6, 2017 Planning Commission hearing)*
- Z-31^{'17}** **BOBBY L. TERRELL**
- Z-32^{'17}** **WINDY HILL SELF STORAGE, LLC**
- Z-33^{'17}** **DURVIJAI PERSAUD**
- Z-35^{'17}** **ROBERT THOMPSON**
- Z-38^{'17}** **PEBBLEBROOK DEVELOPMENT, LLC**
- SLUP-5^{'17}** **STEIN INVESTMENT COMPANY**
- SLUP-6^{'17}** **WINDY HILL SELF STORAGE, LLC**
- OB-024^{'17}** **D.R. HORTON, INC.**
- OB-026^{'17}** **ATLANTA ROLLER DERBY, INC.**
- OB-027^{'17}** **MAJID SOTOODEH**

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

- Z-18^{'16}** **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, February 7, 2017, March 21, 2017, April 4, 2017, May 2, 2017 Planning Commission hearing; continued by Staff until the July 18, 2017 Board of Commissioners hearing)*
- Z-22^{'17}** **VENTURE HOMES, INC.** *(Previously continued by the Planning Commission from their June 6, 2017 hearing until the July 6, 2017 Planning Commission hearing)*
- Z-25^{'17}** **VENTURE HOMES, INC.** *(Previously held by the Board of Commissioners from their June 20, 2017 hearing until the July 18, 2017 Board of Commissioners hearing)*
- Z-26^{'17}** **GREEN WORX, LLC** *(Previously continued by staff from the June 6, 2017 Planning Commission hearing until the July 6, 2017 Planning Commission hearing)*

REGULAR CASE

- Z-39^{'17}** **PALMETTO MABLETON-FLOYD RD, LLC**

WITHDRAWN CASE

Z-36^{'17} LCD ACQUISITIONS, LLC- WITHDRAWN WITHOUT PREJUDICE

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

Z-9^{'17} PARAN HOMES *(Previously held by the Planning Commission from their March 7, 2017 hearing until the April 4, 2017 Planning Commission hearing; and continued by Staff from the April 4, 2017, May 2, 2017, June 6, 2017 and July 6, 2017 Planning Commission hearings until the August 1, 2017 Planning Commission hearing)*

Z-12^{'17} SSP BLUE RIDGE, LLC *(Previously continued by Staff from the March 7, 2017, April 4, 2017 and May 2, 2017 Planning Commission hearings until the September 7, 2017 Planning Commission hearing)*

Z-27^{'17} AMRETECK, LLC *(Previously continued by staff from the June 6, 2017 and July 6, 2017 Planning Commission Hearings until the September 7, 2017 Planning Commission hearing)*

Z-34^{'17} JOSH THOMPSON *(Continued by Staff from the July 6, 2017 Planning Commission hearing until the August 1, 2017 Planning Commission hearing)*

Z-37^{'17} 3757 FLOYD RD PROPERTY, LLC *(Continued by Staff from the July 6, 2017 Planning Commission hearing until the August 1, 2017 Planning Commission hearing)*

SLUP-7^{'17} 3757 FLOYD RD PROPERTY, LLC *(Continued by Staff from the July 6, 2017 Planning Commission hearing until the August 1, 2017 Planning Commission hearing)*

OB-028^{'17} S & B INVESTMENTS, INC. LLC *(Continued by Staff until the August 15, 2017 Board of Commissioners hearing)*

OTHER BUSINESS

ITEM OB-016

To consider amending the site plan for Lidl US Operations, LLC regarding rezoning application Z-223 (Evelyn J. Gordy-Rankin) of 1988 and rezoning application Z-95 (Evelyn J. Gordy-Rankin) of 1990, for property located at the northwest intersection of Shallowford Road and Gordy Parkway in Land Lots 335 and 386 of the 16th District. *(Continued by Staff from the May 16, 2017 and June 20, 2017 hearings)*

ITEM OB-024

To consider amending the site plan and stipulations for D.R. Horton, Inc. regarding rezoning application Z-210 (W&H Properties, LLC) of 2005, for property located on the east side of Maxham Road, south of Veterans Memorial Highway in Land Lots 87 and 88 of the 18th District. *(Continued by Staff from the June 20, 2017 Board of Commissioners hearing)*

ITEM OB-025

To consider amending the site plan and stipulations for Barnes Mill VDL, LLC regarding application OSC 17-02 (W&H Investments, LLC) of 2017, for property located on the west side of Mount Calvary Road and on the north side of Dallas Highway in Land Lot 30 of the 19th District.

ITEM OB-026

To consider amending the stipulations for Atlanta Roller Derby, Inc. regarding rezoning application Z-14 (Kuo Ken Tai) of 2016, for property located on the north side of Veterans Memorial Highway, west of North Allen Road in Land Lot 45 of the 18th District.

ITEM OB-027

To consider amending the stipulations for Majid Sotoodeh regarding rezoning application Z-5 (Asif Raza) of 2006, for property located on the east side of Johnson Ferry Road, south of Wellington Lane in Land Lot 753 of the 16th District.

ITEM OB-028

To consider a site plan and 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 August 15, 2017 Board of Commissioners hearing; therefore will not be considered)*

COBB COUNTY BOARD OF COMMISSIONERS
ZONING HEARING *CONSENT* AGENDA
JULY 18, 2017

Rezoning

Z-23 **COURTNEY ELLIS** (Elvia Benitez, owner) requesting Rezoning from **PSC, R-20** to **NRC** for the purpose of a Child Care Center in Land Lot 59 of the 17th District. Located on the north side of Michael Drive, east of Brackett Street. (*Previously held by the Planning Commission from their June 6, 2017 hearing until the July 6, 2017 Planning Commission hearing*). The Planning Commission recommends **DELETION** to the **LRO** zoning district subject to the following conditions:

1. **Hours of operation to be Monday through Friday from 6:30 a.m. until 7:00 p.m., no operation on national holidays**
2. **Minimum of 20 parking spaces to be provided**
3. **Maximum of 30 children**
4. **20 foot landscape buffer along southeast property line adjacent to 2333 Bracket Street, except where in conflict with existing driveway**
5. **Landscape plan to be approved by the County Arborist and District Commissioner**
6. **At a minimum, landscaping to provide beautification at the front of the building**
7. **Existing driveway to be upgraded to County standards or the circular drive may be removed**
8. **Sidewalk to be installed along property frontage**
9. **Building to be painted, District Commission to approve color**
10. **District Commissioner to approve any changes to the building architecture**
11. **All landscaping, parking, and buffers to be completed prior to occupancy of the building**
12. **Staff comments and recommendations, *not otherwise in conflict***
13. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing of July 18, 2017**

Z-31 BOBBY L. TEREELL (James F. Brown and Charles B. Pharr, owners) requesting Rezoning from **NS** to **NRC** for the purpose of Retail in Land Lots 349 and 372 of the 16th District. Located on the east side of Canton Road, north of Chastain Corner, and at the western terminus of Noonday Drive. The Planning Commission recommends **APPROVAL** to the **NRC** zoning district subject to:

1. Site plan received by the Zoning Division on May 3, 2017, with the District Commissioner approving minor modifications (on file in the Zoning Division)
2. Letter from Canton Road Neighbors dated June 26, 2017 (on file in the Zoning Division)
3. Professional Offices and Neighborhood Retail Uses *only*
4. No outdoor storage or outdoor display of merchandise
5. Site Plan Review comments and recommendations
6. Planning Division 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
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 July 18, 2017

Z-32 WINDY HILL SELF STORAGE, LLC (Unique Hotel, LLC, owner) requesting Rezoning from **O&I and TS** to **RRC** for the purpose of a Climate Controlled Self-Service Storage Facility in Land Lot 875 of the 17th District. Located on the west side of Leland Drive, and on the east side of I-75, north of Windy Hill Road. The Planning Commission recommends **APPROVAL** to the **RRC** zoning district subject to:

1. Letters of agreeable conditions from Mr. Garvis L. Sams, Jr. dated June 16, 2017 (on file in the Zoning Division), with the following changes:
 - A. Item No.2 – add to end: *“Final design of the building façade to be approved by the District Commissioner.”*
 - B. Item No. 4 – add to end: *“At least one full time employee will be onsite during regular hours of operation.”*
 - C. Item No. 14, subset b.– revise to read: *“...to fifteen feet (15’) on Leland Drive.”*
 - D. Item No. 15 – strike reference to *“Plan Review Process”*

Z-32 WINDY HILL SELF STORAGE, LLC (continued from the previous page)

- E. Item No. 15 – add subset e.: *“Or that would be in direct conflict with or contradiction to any of the applicable Cobb County ordinances or codes, or any of these stated stipulations”*
2. Letter of agreeable conditions from Mr. Garvis L. Sams, Jr. dated June 27, 2017, including the revised site plan (on file in the Zoning Division), with the following change:
 - A. Item No. 5 – strike in its entirety
3. Staff comments and recommendations, *not otherwise in conflict*

Z-33 DURVIJAI PERSAUD (Durvijai Persaud, owner) requesting Rezoning from **PD** to **R-15** for the purpose of Single Family Residences in Land Lot 66 of the 16th District. Located on the northwest corner of Shallowford Road and Shallow Farm Drive. The Planning Commission recommends **APPROVAL** to the **R-15** zoning district subject to:

1. Site plan received by the Zoning Division on May 4, 2017, 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 June 7, 2017 (on file in the Zoning Division)
3. Lot size variances for Tracts A and B from the minimum 15,000 square feet to 14,745 square feet and 14,746 square feet respectively
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. Inclusion on the Consent Agenda for the Board of Commissioners’ Zoning Hearing of July 18, 2017

Z-35 ROBERT THOMPSON (Home System Solutions, LLC, owner) requesting Rezoning from **R-15** to **R-20** for the purpose of Single-Family Residential in Land Lots 320, 321 and 328 of the 17th District. Located on the west side of Civitania Road, south of Cooper Lake Road. The Planning Commission recommends **APPROVAL** to the **R-20** zoning district subject to:

1. **Maximum of one home with no variances**
2. **Water and Sewer Division comments and recommendations**
3. **Stormwater Management Division comments and recommendations**
4. **Department of Transportation comments and recommendations**
5. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing of July 18, 2017**

Z-38 PEBBLEBROOK DEVELOPMENT, LLC (Nell Hutcheson; Mryna Joyce Wood Ice and Paul L. Ice, owner) requesting Rezoning from **R-80** to **R-20** for the purpose of Single-Family Residential in Land Lot 30 of the 19th District. Located on the south side of Old Dallas Road, southwest of the intersection of Dallas Highway and Old Dallas Road. The Planning Commission recommends **APPROVAL** to the **R-20** zoning district subject to:

1. **District Commissioner to approve final site plan**
2. **Stipulations of Z-47 of 2016, *not otherwise in conflict* (on file in the Zoning Division)**
3. **Letter of agreeable conditions from Kevin Moore dated June 28, 2017 (on file in the Zoning Division)**
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. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing of July 18, 2017**

SLUP-5 STEIN INVESTMENT COMPANY (Attic Self Storage, Inc; Attic III Carwash, LLC, owners) requesting a **Special Land Use Permit** for the purpose of Climate-Controlled Self-Storage in Land Lot 206 of the 20th District. Located on the southwest corner of Cobb Parkway and Attic Parkway, northwest of Old 41 Highway. The Planning Commission recommends **APPROVAL** subject to:

1. Site plan received by the Zoning Division on June 15, 2017 with the District Commissioner approving minor modifications (on file in the Zoning Division)
2. Fire Department comments and recommendations
3. Water and Sewer Division comments and recommendations
4. Stormwater management 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 July 18, 2017

SLUP-6 WINDY HILL SELF STORAGE, LLC (Unique Hotel, LLC, owner) requesting a **Special Land Use Permit** for the purpose of a Climate-Controlled Self-Service Storage Facility in Land Lots 874 and 875 of the 17th District. Located on the west side of Leland Drive, on the east side of I-75, and on the north side of Windy Hill Road. The Planning Commission recommends **APPROVAL** subject to:

1. Letter of agreeable conditions from Mr. Garvis L. Sams, Jr. dated June 16, 2017 (on file in the Zoning Division), with the following changes:
 - A. Item No.2 – add to end: *“Final design of the building façade to be approved by the District Commissioner.”*
 - B. Item No. 4 – add to end: *“At least one full time employee will be onsite during regular hours of operation.”*
 - C. Item No. 14, subset b. – revise to read: *“...to fifteen feet (15’) on Leland Drive.”*
 - D. Item No. 15 – strike reference to *“Plan Review Process”*
 - E. Item No. 15 – add subset e.: *“Or that would be in direct conflict with or contradiction to any of the applicable Cobb County ordinances or codes, or any of these stated stipulations”*
2. Letter of agreeable conditions from Mr. Garvis L. Sams, Jr. dated June 27, 2017, including the attached site plan (on file in the Zoning Division), with the following change:
 - A. Item No. 5 – strike in its entirety
3. Staff comments and recommendations, *not otherwise in conflict*

ITEM OB-024

To consider amending the site plan and stipulations for D.R. Horton, Inc. regarding rezoning application Z-210 (W&H Properties, LLC) of 2005, for property located on the east side of Maxham Road, south of Veterans Memorial Highway in Land Lots 87 and 88 of the 18th District (*Continued by Staff from the June 20, 2017 hearing until the July 18, 2017 hearing*). Staff recommends **APPROVAL** subject to:

1. **Proposed site plan contained in the Other Business packet.**
2. **Buffer planting plan to be approved by the County Arborist.**
3. **All previous stipulations not in conflict with this amendment to remain in effect.**

ITEM OB-026

To consider amending the stipulations for Atlanta Roller Derby, Inc. regarding rezoning application Z-14 (Kuo Ken Tai) of 2016, for property located on the north side of Veterans Memorial Highway, west of North Allen Road in Land Lot 45 of the 18th District. Staff recommends **APPROVAL** subject to:

1. **Allowance of commercial indoor recreation.**
2. **All previous stipulations not in conflict with this amendment to remain in effect.**

ITEM OB-027

To consider amending the stipulations for Majid Sotoodeh regarding rezoning application Z-5 (Asif Raza) of 2006, for property located on the east side of Johnson Ferry Road, south of Wellington Lane in Land Lot 753 of the 16th District. Staff recommends **APPROVAL** subject to:

1. **Allowance of house to face Johnson Ferry Road.**
2. **House to use the existing joint access road. No new curbs cuts onto Johnson Ferry Road.**
3. **All previous stipulations not in conflict with this amendment to remain in effect.**

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.