ZONING ANALYSIS

Planning Commission Public Hearing

August 1, 2017

Board of Commissioners' Public Hearing

August 15, 2017

Prepared by: COBB COUNTY PLANNING AND ZONING DIVISIONS **COBB COUNTY BOARD OF COMMISSIONERS**

Mike Boyce, Chairman Bob Weatherford, District 1 Bob Ott, District 2 JoAnn Birrell, District 3 Lisa Cupid, District 4

COUNTY MANAGER

Rob Hosack

COBB COUNTY PLANNING COMMISSION

Galt Porter Skip Gunther Mike Terry Thea Powell Judy Williams

COBB COUNTY ZONING DIVISION COMMUNITY DEVELOPMENT DEPARTMENT

Dana Johnson, Director, Community Development 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 of 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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A G E N D A S

COBB COUNTY-ZONING HEARING AGENDA Planning Commission–August 1, 2017

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-9 PARAN HOMES** (Glover Allen Smith and Shirley Moore Smith, owners) requesting Rezoning from **R-30 and R-20** to **R-20 OSC** for the purpose of a Residential Subdivision in Land Lots 378, 379 and 380 of the 19th District. Located on the east and west sides of Corner Road and south of Wright Road. (*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 SSP BLUE RIDGE, LLC** (Multiple Titleholders on file in the Zoning Division) requesting Rezoning from GC, NS, R-20 & R-80 to CRC and UC for the purpose of Commercial and Residential in Land Lots 923 and 924 of the 17th District. Located on the northwest side of Terrell Mill Road, and on the west side of Powers Ferry Road. (*Previously continued by Staff from the April 4, 2017 and May 2, 2017 and June 6, 2017 Planning Commission hearings until the September 7, 2017 Planning Commission hearing*)
- **Z-27 AMRETECK, LLC** (Amreteck, LLC, owner) requesting Rezoning from **GC** to **RM-12** for the purpose of Townhomes in Land Lot 422 of the 17th District. Located on the south side of Ledford Street, west of Atlanta Road. (*Previously continued by Staff from the June 6, 2017 and July 6, 2017 Planning Commission hearings until the August 1, 2017 Planning Commission hearing*)

Cobb County Planning Commission Zoning Hearing Agenda August 1, 2017 Page 2

- **Z-34** JOSH THOMPSON (Barnes Land and Investments, LLC, owner) requesting Rezoning from **R-15 and R-20** to **RA-5** for the purpose of a Single-family Subdivision in Land Lots 1226 and 1291 of the 19th District. Located at the northern terminus of Burrus Lane, and the northwestern terminus of Milton Place and the northern terminus of Lakeview Drive, and at the eastern end of Mark Lee Drive, northeast of Veterans Memorial Highway. (*Continued by Staff from the July 6, 2017 Planning Commission hearing until the August 1, 2017 Planning Commission hearing*)
- **Z-37 3757 FLOYD RD PROPERTY, LLC** (3757 Floyd Rd Property, LLC, owner) requesting Rezoning from **PSC** to **O&I** for the purpose of a Climate-Controlled Self-Storage Facility in Land Lots 848 and 849 of the 19th District. Located on the north side of Hurt Road, and on the east side of Floyd Road. (*Continued by Staff from the July 6, 2017 Planning Commission hearing until the August 1, 2017 Planning Commission hearing*)
- SLUP-7 3757 FLOYD RD PROPERTY, LLC (3757 Floyd Rd Property, LLC, owner) requesting a Special Land Use Permit for the purpose of Climate-Controlled Self-Service Storage Facility in Land Lots 848 and 849 of the 19th District. Located on the north side of Hurt Road, and on the east side of Floyd Road. (Continued by Staff from the July 6, 2017 Planning Commission hearing until the August 1, 2017 Planning Commission hearing)

REGULAR CASES --- NEW BUSINESS

Rezonings

Z-40 M. SALEH UDDIN (Mohammed S. Uddin, owner) requesting Rezoning from R-40 to R-20 for the purpose of Two Single Family Homes in Land Lot 937 of the 17th District. Located on the east side of Terrell Mill Road, north of Brookview Road.

- **Z-41 JOM HOLDINGS, LLC** (JOM Holdings, LLC, owner) requesting Rezoning from **PSC** to **CRC** for the purpose of a Specialized Contractor's Office in Land Lot 1029 of the 16th District. Located on the west side of Lecroy Drive, north of Robinson Road.
- **Z-42 TINA T. AYERS & VERONICA N. AYERS** (Tina T. Ayers and Veronica N. Ayers, owners) requesting Rezoning from **O&I** to **R-20** for the purpose of a Single Family House in Land Lot 703 of the 19th District. Located on the west side of Hicks Road, south of Old Milford Church Road.
- **Z-43 3757 FLOYD RD PROPERTY, LLC** (3757 Floyd Rd Property, LLC, owner) requesting Rezoning from **PSC and GC** to **RM-8** for the purpose of a Townhome Community in Land Lots 848 and 849 of the 19th District. Located on the north side of Hurt Road, and on the east side of Floyd Road.
- Z-44 MERITAGE HOMES OF GEORGIA, LLC (Multiple title holders in Zoning file) requesting Rezoning from R-20 to RA-5, RA-6 and RM-8 for the purpose of a Residential Community in Land Lots 29, 30, 1073, 1074 and 1147 of the 17th and 19th Districts. Located at the southwest intersection of Floyd Road and Glore Road, at the northern terminus of Green Valley Road.
- **Z-45 TRATON HOMES, LLC** (Estate of Elsie Ewton Kirk, owner) requesting Rezoning from **R-30 and R-20** to **RSL** (**Non-Supportive**) for the purpose of Non-Supportive Residential Senior Living in Land Lots 292 and 293 of the 20th District. Located at the southwest intersection of Burnt Hickory Road and Bob Cox Road.
- **Z-46 CSP DEVELOPMENT, LLC** (CSP Development, LLC, owner) requesting Rezoning from **R-30** to **R-15** for the purpose of Single-Family Residential in Land Lots 176 and 177 of the 16th District. Located on the west side of Wesley Chapel Road; on the south side of Sandy Plains Road, and at the northwest terminus of Running Fox Drive.

Cobb County Planning Commission Zoning Hearing Agenda August 1, 2017 Page 4

LAND USE PERMITS

- LUP-12 BRIAN C. YOUNG (Brian C. Young and Jean J. Young, owners) requesting a Land Use Permit (renewal) 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, northeast of Drayton Hall Drive.
- **LUP-13 ESTHER J. KIM AND SUNG MIN BRIAN RYU** (Esther J. Kim and Sung Min Brian Ryu, owners) requesting a **Land Use Permit** for the purpose of Seven Chickens in Land Lot 329 of the 16th District. Located on the east side of Wesley Chapel Road, south of Beacon Street.
- LUP-14 WIESLAW ADAM MISIEC (Wieslaw Adam Misiec, owner) requesting a Land Use Permit for the purpose of Allowing more unrelated adults than permitted by code in Land Lot 671 of the 16th District. Located on the southwest end of West Bridge Place, west of Stoney Brook Lane.
- LUP-15 PHILIP IVESTER (Philip L. Ivester, owner) requesting a Land Use
 Permit for the purpose of a Construction Hardship (use of an R.V. during fire-damage repairs) in Land Lots 191 and 242 of the 17th District. Located on the southeast side of Concord Road, northeast of East-West Connector.

Cobb County Planning Commission Zoning Hearing Agenda August 1, 2017 Page 5

<u>NOTE</u>: "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–August 15, 2017

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.

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

- Z-18^{'16} 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. (*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 and May 2, 2017 Planning Commission hearings until the July 18, 2017 Board of Commissioners hearing; continued by the Board of Commissioners until the August 15, 2017 hearing)*
- **Z-9'**¹⁷ **PARAN HOMES** (Glover Allen Smith and Shirley Moore Smith, owners) requesting Rezoning from **R-30 and R-20** to **R-20 OSC** for the purpose of a Residential Subdivision in Land Lots 378, 379 and 380 of the 19th District. Located on the east and west sides of Corner Road and south of Wright Road. (*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-34'**¹⁷ **JOSH THOMPSON** (Barnes Land and Investments, LLC, owner) requesting Rezoning from **R-15 and R-20** to **RA-5** for the purpose of a Single-family Subdivision in Land Lots 1226 and 1291 of the 19th District. Located at the northern terminus of Burrus Lane, at the northwestern terminus of Milton Place and the northern terminus of Lakeview Drive, at the eastern end of Mark Lee Drive, and northeast of Veterans Memorial Highway. (*Previously continued by Staff from the July 6, 2017 Planning Commission hearing until the August 1, 2017 Planning Commission hearing*)

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- **Z-39**^{'17} **PALMETTO MABLETON-FLOYD RD, LLC** (MSC-Floyd Rd, LLC, owner) requesting Rezoning from **NRC with Stipulations** to **NRC with Stipulations** for the purpose of a Restaurant with a Drive-thru in Land Lots 31 and 42 of the 17th District. Located on the east side of Floyd Road, north of Nickajack Road. (*Previously held by the Board of Commissioners from the July 18, 2017 hearing until the August 15, 2017 Board of Commissioners hearing.)*
- SLUP-7^{'17} 3757 FLOYD RD PROPERTY, LLC (3757 Floyd Rd Property, LLC, owner) requesting a Special Land Use Permit for the purpose of a Climate-Controlled Self-Service Storage Facility in Land Lots 848 and 849 of the 19th District. Located on the north side of Hurt Road, and on the east side of Floyd Road. (*Previously continued by Staff from the July 6, 2017 Planning Commission hearing until the August 1, 2017 Planning Commission hearing*)

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

Z-12'¹⁷ **SSP BLUE RIDGE, LLC** (Multiple Titleholders on file in the Zoning Division) requesting Rezoning from **GC**, **NS**, **R-20 & R-80** to **CRC** and **UC** for the purpose of Commercial and Residential in Land Lots 923 and 924 of the 17th District. Located on the northwest side of Terrell Mill Road, and on the west side of Powers Ferry Road. (*Previously continued by Staff from the April 4, 2017 and May 2, 2017 and June 6, 2017 Planning Commission hearings until the September 7, 2017 Planning Commission hearing)*

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OTHER BUSINESS CASES

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. (*Previously continued by Staff from the May 16, 2017, June 20, 2017 and July 18, 2017 hearings until the August 15, 2017 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. (*Previously continued by the Board of Commissioners from the July 18, 2017 hearing until the August 15, 2017 hearing*)

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. (*Previously continued by staff from the July 18, 2017 hearing until the August 15, 2017 hearing*)

ITEM OB-029

To consider approving the site plan for JM Williams Contractors regarding rezoning application Z-65 (Cherokee Hyundai of Kennesaw) of 2013, for property located on the east side of Barrett Lakes Boulevard, on the west side of I-75, south of Big Shanty Road in Land Lots 504, 505 and 506 of the 16th District (2878 Barrett Lakes Boulevard).

ITEM OB-030

To consider amending the site plan for Poag Shopping Centers, LLC regarding rezoning application Z-118 (Cousins Market Centers) of 1997, for property located on the north side of Roswell Road and on the north and east sides of Marwell Drive in Land Lot 16 of the 1st District and Land Lot 829 of the 16th District (4475 Roswell Road).

ITEM OB-031

To consider amending the site plan for Poag Shopping Centers, LLC regarding rezoning application Z-139 of 1997 and Z-123 of 2004, for property located on the south side of Dallas Highway and on the east side of Casteel Road in Land Lots 333 and 334 of the 19th District (3625 Dallas Highway).

ITEM OB-032

To consider granting a Special Exception for a reduction of lot size as recommended by the Board of Zoning Appeals from their July 12, 2017 Variance Hearing regarding Variance Application V-65 Santos L. Guardado.

ITEM OB-033

To consider granting a Special Exception for a reduction of minimum public road frontage as recommended by the Board of Zoning Appeals from their July 12, 2017 Variance Hearing regarding Variance Application V-66 Eric Wallace.

ITEM OB-034

To consider granting a Special Exception for a reduction of lot size as recommended by the Board of Zoning Appeals from their July 12, 2017 Variance Hearing regarding Variance Application V-68 Narden Kaldani.

ITEM OB-035

To consider granting a Special Exception for a reduction of lot size as recommended by the Board of Zoning Appeals from their July 12, 2017 Variance Hearing regarding Variance Application V-69 2045 Anderson, LLC.

ITEM OB-036

To consider granting a Special Exception for a reduction of minimum public road frontage as recommended by the Board of Zoning Appeals from their July 12, 2017 Variance Hearing regarding Variance Application V-73 Yaneth Medina-Diaz.

ITEM OB-037

To consider amending the stipulations for Tyler Chandler Homes, LLC regarding rezoning application Z-104 of 2015, for property located on the northeast corner of Sandtown Road and Osborne Road, and the western terminus of Pair Street in Land Lot 209 of the 17th District.

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