

COBB COUNTY BOARD OF COMMISSIONERS
ZONING HEARING SUMMARY AGENDA
October 17, 2017

CONSENT CASES

- Z-47** **HERNAN G. GUERRERO** (Allison H. Price and Jeanette S. Price, owners) requesting Rezoning from **R-20** to **R-15** for the purpose of a Single-family Subdivision in Land Lot 91 of the 17th District. Located on the west side of Harris Road, south of Smyrna Powder Springs Road. *(Previously continued by the Board of Commissioners from their September 19, 2017 hearing)*
- Z-52** **CENTURY COMMUNITIES OF GEORGIA, LLC**
(Previously continued by the Planning Commission from their September 7, 2017 hearing until the October 3, 2017 Planning Commission hearing)
- Z-54** **KENNESAW CORNER MF, LP** *(Previously held by the Planning Commission from their September 7, 2017 hearing until the October 3, 2017 Planning Commission hearing)*
- Z-59** **NANCY KOOL MARTINEZ**
- Z-60** **COBB ERECTORS, INC**
- Z-63** **ASHTON ATLANTA RESIDENTIAL, LLC**
- Z-66** **PHYLLIS R. JOHNSON**
- Z-68** **2045 ANDERSON, LLC**
- LUP-20** **KATHLEEN E. TAYLOR**
- LUP-22** **KCMA CORP.**
- OB-44** **ENCORE BURLESON ATL HOTEL, LLC and ENCORE CORPUS I ATL, LLC**
- OB-46** **PHOENIX GRP, LLC**
- OB-47** **RUSSELL A. MULLINS**
- OB-48** **THE WRIGLEY GROUP**
- OB-49** **MICHAEL A. MATTHEWS**

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

- Z-27** **AMRETECK, LLC** *(Previously continued by Staff from the June 6, 2017, July 6, 2017 and August 1, 2017 Planning Commission hearings until the October 3, 2017 Planning Commission hearing)*
- Z-53** **BROOKS CHADWICK CAPITAL, LLC** *(Previously continued by Staff from the September 7, 2017 Planning Commission hearing until the October 3, 2017 Planning Commission hearing)*

REGULAR CASES

- Z-57** DELICATE, INC.
Z-62 COOPER LAKE HILLS, LLC
LUP-19 PATRICIA HINES
LUP-21 EDWARD & JULIE A. INFANZON
SLUP-11 K&J TOWING, LLC

WITHDRAWN CASES

- Z-45** TRATON HOMES, LLC (*Continued by the Board of Commissioners from the September 19, 2017 hearing*) – **Withdrawn Without Prejudice**
LUP-23 JENNA MASON & JACQUAR DEVIN COWAN – **Withdrawn Without Prejudice**
OB-28 S & B INVESTMENTS, INC. - **Withdrawn Without Prejudice**

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

- Z-12** SSP BLUE RIDGE, LLC (*Previously continued by Staff from the April 4, 2017, May 2, 2017, June 6, 2017, July 6, 2017, August 1, 2017, September 7, 2017 and November 7, 2017 Planning Commission hearings until the December 5, 2017 Planning Commission hearing*)
Z-34 JOSH THOMPSON (*Previously continued by Staff from the July 6, 2017 Planning Commission hearing; and held by the Planning Commission from their August 1, 2017 hearing until the September 7, 2017 Planning Commission hearing; continued by Staff until the October 3, 2017 Planning Commission hearing; continued by Staff until the November 21, 2017 Board of Commissioners hearing*)
Z-44 MERITAGE HOMES OF GEORGIA, LLC (*Previously continued by the Planning Commission from their August 1, 2017 and October 3, 2017 Planning Commission hearings until the November 7, 2017 Planning Commission hearing*)
Z-49 WASTE INDUSTRIES, ATLANTA, LLC (*Previously continued by Staff from the September 7, 2017 and October 3, 2017 Planning Commission hearings, until the November 7, 2017 Planning Commission hearing*)
Z-56 OAK HALL COMPANIES, LLC (*Previously continued by Staff from the September 7, 2017 and October 3, 2017 Planning Commission hearings until the November 7, 2017 Planning Commission hearing*)

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

- Z-58** **LOVIA MCMILLEN** *(Continued by Staff until the November 7, 2017 Planning Commission hearing)*
- Z-61** **WEST COBB SENIOR LIVING, LLC** *(Continued by Staff until the November 7, 2017 Planning Commission hearing)*
- Z-64** **BRANCH ACQUISITION COMPANY, LLC** *(Continued by Staff until the November 7, 2017 Planning Commission hearing)*
- Z-65** **VICTOR NWALA** *(Continued by Staff until the November 7, 2017 Planning Commission hearing)*
- SLUP-8** **SSP BLUE RIDGE, LLC** *(Previously continued by Staff from the, September 7, 2017 and October 3, 2017 Planning Commission hearings until the November 7, 2017 Planning Commission hearing)*
- SLUP-9** **WASTE INDUSTRIES, ATLANTA, LLC** *(Previously continued by Staff from the September 7, 2017 and October 3, 2017 Planning Commission hearings, until the November 7, 2017 Planning Commission hearing)*
- OB-40** **PULTE HOME COMPANY, LLC** *(Previously continued by staff from the September 19, 2017 and October 17, 2017 Board of Commissioners hearings until the November 21, 2017 Board of Commissioners hearing)*
- OB-45** **GREEN PARK PCH, INCORPORATED** *(Continued by Staff until the November 21, 2017 Board of Commissioners hearing; therefore, will not be heard in October)*

OTHER BUSINESS CASES

- OB-50** **THE CHATTAHOOCHEE CORRIDOR PLAN OF COMPLIANCE**
- OB-51** **RACETRAC PETROLEUM, INC.**

COBB COUNTY BOARD OF COMMISSIONERS
ZONING HEARING *CONSENT* AGENDA
October 17, 2017

Rezoning

Z-47 HERNÁN G. GUERRERO (Allison H. Price and Jeanette S. Price, owners) requesting Rezoning from **R-20** to **R-15** for the purpose of a Single-Family Subdivision in Land Lot 91 of the 17th District. Located on the west side of Harris Road, south of Smyrna Powder Springs Road. The Planning Commission recommends **APPROVAL** to the **R-15** zoning district subject to:

1. **Site plan received by the Zoning Division on June 30, 2017, with the District Commissioner approving minor modifications (on file in the Zoning Division)**
2. **Letters of agreeable stipulations from Mr. Garvis Sams Jr. dated August 15, 2017, August 28, 2017 and September 11, 2017 (on file in the Zoning Division)**
3. **Applicant's Representative shall submit an addendum letter to the Zoning Division Manager, with a copy to Ms. Walsh and Mr. Porter, by Tuesday, September 12, 2017, stating agreed upon conditions related to fencing around the detention pond and trees to be saved (*September 11, 2017 letter mentioned above*)**
4. **Sidewalk to be located on the house side of the road**
5. **Water and Sewer Division comments and recommendations**
6. **Stormwater Management 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**

Z-52 CENTURY COMMUNITIES OF GEORGIA, LLC (Webb-Wootten Enterprises, LLP; Cassandra B. Wootten; Thomas D. Wootten; Bonnie E. Webb; and Paul Yarbrough, owners) requesting Rezoning from **R-30** to **R-20** for the purpose of a Single-family Residential Subdivision in Land Lot 229 of the 20th District. Located on the west side of County Line Road, south of Burnt Hickory Road. The Planning Commission recommends **APPROVAL** to the **R-20** zoning district subject to:

1. **Site plan received by the Zoning Division on July 6, 2017 (on file in the Zoning Division);**
2. **Letter of agreeable conditions from Mr. Kevin Moore received by the Zoning Division on September 27, 2017 (on file in the Zoning Division);**

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Z-52 CENTURY COMMUNITIES OF GEORGIA, LLC (Continued)

3. Staff comments and recommendations, not otherwise in conflict;
4. Inclusion on the Consent Agenda for the Board of Commissioners zoning hearing of October 17, 2017, subject to the applicant agreeing to the following three additional stipulations:
 - A. Provide details of the density of the plantings along the fence on County Line Road
 - B. Provide planting of additional trees between some of the existing driveways along County Line Road
 - C. Provide details of how the trees will be cleared and replanted on the lots as they get developed

Z-54 KENNESAW CORNER MF, LP (Recreation Resources at Town Center, Inc., owner) requesting Rezoning from **GC** to **RRC** for the purpose of Student Housing and Retail in Land Lots 502 and 503 of the 16th District. Located at the northwest corner of Big Shanty Road and George Busbee Parkway. The Planning Commission recommends **APPROVAL** to the **RRC** zoning district subject to:

1. Letters of agreeable conditions from Mr. Moore dated September 27, 2017 and from Mr. Kevin Moore dated October 3, 2017 (on file in the Zoning Division);
2. Staff comments and recommendations; and
3. Inclusion on the Consent Agenda for the Board of Commissioners zoning hearing of October 17, 2017.

Z-59 NANCY KOOL MARTINEZ (Nancy M. Kool, owner) requesting Rezoning from **R-80** to **R-20** for the purpose of a Single-family House in Land Lot 317 of the 19th District. Located on the northeast side of Friendship Church Road, south of Chatsworth Way. The Planning Commission recommends **APPROVAL** to the **R-20** zoning district subject to:

1. Proposal meet all R-20 zoning criteria;
2. District Commissioner approval final house elevations;
3. Water and Sewer Division comments and recommendations;
4. Stormwater Management 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 concern; and
7. Inclusion on the Consent Agenda for the Board of Commissioners zoning hearing of October 17, 2017.

Z-60 COBB ERECTORS, INC. (Cobb Erectors, Inc., owner) requesting Rezoning from **GC** to **HI** for the purpose of a Specialized Contractor in Land Lot 370 of the 17th District. Located on the northeast side of Dixie Drive, and the southwest side of Homer Corn Road. The Planning Commission recommends **APPROVAL** to the **HI** zoning district subject to:

1. Site plan received at the October 3, 2017 Planning Commission hearing showing the following setbacks: a 12' building line along Homer Corn Road, a 12' building line on the southeast side, and 0' along Dixie Avenue (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; and
6. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing of October 17, 2017

Z-63 ASHTON ATLANTA RESIDENTIAL, LLC (ADIC, Inc., successor by merger to XEBO Corporation, owner) requesting Rezoning from **CRC** to **UC** for the purpose of Townhomes and Condominiums in Land Lots 816, 817, 839 and 840 of the 17th District. Located at the southeasterly corner of Cumberland Parkway and Paces Walk. The Planning Commission recommends **APPROVAL** to the **UC** zoning district subject to:

1. Specific to site plan dated July 7, 2017 (on file in the Zoning Division)
2. Letter of agreeable conditions from Mr. Kevin Moore dated September 27, 2017 (on file in the Zoning Division), with the following changes:
 - A. Section I. *General Stipulations Applicable to the Overall Residential Community*, Item No. 4 – add to end: *“Further the Applicant agrees to implement, with the HOA, a requirement that no more than 10 percent of the residential units may be rented at any given time; further, the HOA is solely responsible for the oversight and enforcement of same.”*
 - B. Section I. *General Stipulations Applicable to the Overall Residential Community* – add to Item No. 6 subset (e) to read: *“The location of the main Cumberland Parkway access point shall be finalized and provided in writing to the Zoning Division Manager not later than October 12, 2017 for distribution to the Board of Commissioners.”*

Z-63 ASHTON ATLANTA RESIDENTIAL, LLC (CONT.)

- C. Section I. *General Stipulations Applicable to the Overall Residential Community*, Item No. 17 – revise first sentence to read: *“All construction, employee, and delivery vehicles”*
 - D. Section I. *General Stipulations Applicable to the Overall Residential Community*, Item No. 18 – revise to read: *“Construction hours shall be Monday through Friday 7:00 a.m. until 7:00 p.m.; Saturdays 9:00 a.m. until 5:00 p.m.; no work on Sundays unless pre-approved by the District Commissioner.”*
 - E. Section I. *General Stipulations Applicable to the Overall Residential Community*, Item No. 21, add to end: *“Or that would be in direct conflict with or contradiction to any Cobb County Code or Ordinance.”*
 - F. Section II. *Stipulations Applicable to Specific Residential Components*, Item No. 3 – add to end: *“with no decks or patios placed on the front of any of these residential units.”*
 - G. Section A. *Townhomes*, Item No. 5 – add to end: *“District Commissioner to approve all final elevations.”*
 - H. Section A. *Townhomes*, add Item No. 9 to read: *“Applicant agrees to comply with all Cobb County parking requirements related to quantity, size, and location.”*
 - I. Section B. *Condominium*, Item No. 5 - add to end: *“which shall comply with all Cobb County parking requirements.”*
- 3. Drive-way alignment at Cumberland Parkway to be finalized by Plan Review
 - 4. Maximum of 316 units
 - 5. Staff comments and recommendations, including Planning Division, Water and Sewer Division, Stormwater Management Division, Fire Department, and Department of Transportation

Z-66 PHYLLIS R. JOHNSON (Phyllis R. Johnson, owner) requesting Rezoning from **R-30** to **R-15** for the purpose of a Single-Family House in Land Lot 973 of the 17th District. Located on the south side of Paces Ferry Road, east of Randall Road. The Planning Commission recommends **DELETING** the request to **R-30** subject to:

- 1. Site plan received by the Zoning Division on August 18, 2017 (on file in the Zoning Division), with the District Commissioner approving minor modifications;
- 2. Letter of agreeable stipulations from Ms. Phyllis Johnson dated September 20, 2017, including all attachments, (on file in the Zoning Division);
- 3. Variances as listed in the *Zoning comments*;

(Continued on the next page)

Z-66 PHYLLIS R. JOHNSON (Continued)

4. Applicant to meet setbacks for R-15;
5. Fire Department 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. 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 concern; and
10. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing of October 17, 2017.

Z-68 2045 ANDERSON, LLC (2045 Anderson LLC, owner) requesting Rezoning from **R-20** to **R-15** for the purpose of Two Residential Lots in Land Lots 697 and 698 of the 17th District. Located on the north side of Anderson Drive, west of Atlanta Road. The Planning Commission recommends **APPROVAL** to the **R-15** zoning district subject to:

1. Site plan received by the Zoning Division on September 1, 2017 with the District Commissioner approving minor modifications;
2. Applicant to provide a stipulation letter to the Zoning Division for submittal to the Board of Commissioners prior to their hearing;
3. Variance from Zoning comments section;
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; and
8. Inclusion on the Consent Agenda for the Board of Commissioners zoning hearing of October 17, 2017.

LUP-20 KATHLEEN E. TAYLOR (Kathleen E. Taylor, owner) requesting a **Land Use Permit (Renewal)** to Allow More Unrelated Adults than the County Code Permits in Land Lot 186 of the 20th District. Located on the northeast side of Sunbrook Way, east of Sunbrook Drive. The Planning Commission recommends **APPROVAL** for 24 months subject to:

1. No on street parking;
2. Approval for two unrelated adults only;
3. Applicant shall not cause any nuisances to the neighborhood; and
4. Inclusion on the Consent Agenda for the Board of Commissioners zoning hearing of October 17, 2017.

LUP-22 KCMA CORP. (LIT/Hodges Industrial Trust, owner) requesting a **Land Use Permit (Renewal)** for the purpose of a Storage Tent in Land Lot 174 of the 20th District. Located at the southwest corner of Barrett Park Drive and Airport Road. The Planning Commission recommends **APPROVAL** for 24 months subject to:

1. **Site plan received by the Zoning Division on August 3, 2017 indicating location of the tent, with the District Commissioner approving minor modifications;**
2. **Fire Department comments and recommendations;**
3. **DOT comments and recommendations; and**
4. **Inclusion on the Consent Agenda for the Board of Commissioners zoning hearing of October 17, 2017.**

ITEM OB-044

To consider a site plan amendment for ENCORE BURLESON ATL HOTEL, LLC and ENCORE CORPUS I ATL HOTEL, LLC regarding rezoning application Z-90 of 2006 for property located on the south side of Windy Ridge Parkway, east of Cobb Parkway, in Land Lot 879 of the 17th District (2780 Windy Ridge Parkway). Staff recommends **APPROVAL** subject to:

1. **The site plan received September 13, 2017 with the District Commissioner approving minor modifications.**
2. **Water and Sewer comments.**
3. **Stormwater Management comments.**
4. **All previous stipulations to remain in effect, not in conflict with this amendment.**

ITEM OB-046

To consider a stipulation amendment for Phoenix Grp, LLC regarding rezoning case Z-31 of 2016 for property located on the west side of Cagle Road, north of Lower Roswell Road, in Land Lot 10 of the 1st District. Staff recommends **APPROVAL** subject to:

1. **Reversion date extended to November 16, 2018.**
2. **Letter from Mr. Garvis L. Sams Jr. dated September 25, 2017.**
3. **Cobb D.O.T. comments.**
4. **All previous stipulations to remain in effect, not in conflict with this amendment.**

ITEM OB-047

To consider granting a Special Exception for a reduction of lot size and public road frontage as recommended by the Board of Zoning Appeals from their September 13, 2017 Variance Hearing regarding Variance Application V-91 Russell A. Mullins. Staff recommends **APPROVAL** subject to:

1. Board of Zoning Appeals minutes from September 13, 2017.
2. No further variances on this property.

ITEM OB-048

To consider granting a Special Exception for a reduction of lot size as recommended by the Board of Zoning Appeals from their September 13, 2017 Variance Hearing regarding Variance Application V-94 The Wrigley Group. Staff recommends **APPROVAL** subject to:

1. Board of Zoning Appeals minutes from September 13, 2017.
2. No further variances on this property.

ITEM OB-049

To consider granting a Special Exception for a reduction of public road frontage as recommended by the Board of Zoning Appeals from their September 13, 2017 Variance Hearing regarding Variance Application V-96 Michael A. Matthews. Staff recommends **APPROVAL** subject to:

1. Board of Zoning Appeals minutes from September 13, 2017.

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.