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# ZONING ANALYSIS

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## Planning Commission Public Hearing

October 3, 2017

Hearing Copy

## Board of Commissioners' Public Hearing

October 17, 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 or 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–October 3, 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-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 17<sup>th</sup> 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, May 2, 2017, June 6, 2017, July 6, 2017, August 1, 2017 and September 7, 2017 Planning Commission hearings until the November 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 17<sup>th</sup> District. Located on the south side of Ledford Street, west of Atlanta Road. *(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-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 19<sup>th</sup> District. Located at the northern terminus of Burrus Lane, at the northwestern terminus of Milton Place, the northern terminus of Lakeview Drive, 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; 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)*

- 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 17<sup>th</sup> and 19<sup>th</sup> Districts. Located at the southwest intersection of Floyd Road and Glore Road, at the northern terminus of Green Valley Road. *(Previously continued by the Planning Commission from their August 1, 2017 hearing until the October 3, 2017 Planning Commission hearing)*
- Z-49**      **WASTE INDUSTRIES, ATLANTA, LLC** (C.W. Matthews Contracting Co., Inc., owner) requesting Rezoning from **CF and R-20** to **HI** for the purpose of a Transfer Station in Land Lots 134 and 135 of the 20<sup>th</sup> District. Located on the north side and south side of Duncan Road, west of Barrett Lakes Boulevard. *(Previously continued by Staff from the September 7, 2017 Planning Commission hearing, until the November 7, 2017 Planning Commission 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 20<sup>th</sup> District. Located on the west side of County Line Road, south of Burnt Hickory Road. *(Previously continued by the Planning Commission from their September 7, 2017 hearing until the October 3, 2017 Planning Commission hearing)*
- Z-53**      **BROOKS CHADWICK CAPITAL, LLC** (Cobb County Board of Education, owner) requesting Rezoning from **R-20** to **CRC** for the purpose of Retail, Restaurants, Bank, and Grocery in Land Lots 386, 387, 406 and 407 of the 16<sup>th</sup> District. Located on the east side of Sandy Plains Road, south of Shallowford Road, and at the northern terminus of Hunters Lodge Road. *(Previously continued by Staff from the September 7, 2017 Planning Commission hearing until the October 3, 2017 Planning Commission hearing)*



- 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 16<sup>th</sup> District. Located on the northwest corner of Big Shanty Road and George Busbee Parkway. *(Previously held by the Planning Commission from their September 7, 2017 hearing until the October 3, 2017 Planning Commission hearing)*
- Z-56**      **OAK HALL COMPANIES, LLC** (Audrey Mae Wigley, By Gloria Wigley as Administrator for the Estate of Audrey Wigley, owner) requesting Rezoning from **R-30** to **R-15** for the purpose of a Single-family Subdivision in Land Lots 26 and 47 of the 16<sup>th</sup> District. Located on the east and west sides of Wigley Road, north of Summitop Road. *(Previously continued by Staff from the September 7, 2017 Planning Commission hearing until the October 3, 2017 Planning Commission hearing)*
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## **REGULAR CASES --- NEW BUSINESS**

### **Rezoning**

- Z-57**      **DELICATE, INC.** (Delicate, Inc., owner) requesting Rezoning from **R-20** to **R-15** for the purpose of a Single-Family Residential Subdivision in Land Lot 1253 of the 16<sup>th</sup> District. Located at the southeast corner of Lower Roswell Road and Bermuda Drive.
- Z-58**      **LOVIA MCMILLEN** (Lovia McMillen, owner) requesting Rezoning from **GC** to **LI** for the purpose of a Warehouse in Land Lot 224 of the 17<sup>th</sup> District. Located on the north side of Barber Road, west of South Cobb Drive.
- 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 19<sup>th</sup> District. Located on the northeast side of Friendship Church Road, south of Chatsworth Way.
- 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 17<sup>th</sup> District. Located on the northeast side of Dixie Drive, and the southwest side of Homer Corn Road.
- Z-61**      **WEST COBB SENIOR LIVING, LLC** (Jeptha B. Foster, Jr. and Loretta Foster; Julia K. Martin and Chester Martin; and Matthew L. Sawyer and Kristy K. Sawyer, owners) requesting Rezoning from **R-20** to **RSL** for the purpose of a Memory Care Facility in Land Lot 332 of the 20<sup>th</sup> District. Located on the north side of Kennesaw View Drive, west of West Sandtown Road.
- Z-62**      **COOPER LAKE HILLS, LLC** (Ted L. Lindstedt, owner) requesting Rezoning from **R-20** to **R-15** for the purpose of a Single-Family Residential Subdivision in Land Lots 257 and 320 of the 17<sup>th</sup> District. Located on the south and east sides of Cooper Lake Road, west of Civitania Road.

- 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 17<sup>th</sup> District. Located at the southeasterly corner of Cumberland Parkway and Paces Walk.
- Z-64**      **BRANCH ACQUISITION COMPANY, LLC** (Branch/Highlands Vinings West, LLC and West Village Associates, LLC, owners) requesting Rezoning from **R-15, R-20, PVC, GC and NRC** to **PVC** for the purpose of Adding property to a Mixed Use Development (West Village) in Land Lots 692, 693, 694, 748 and 749 of the 17<sup>th</sup> District. Located on the north side of West Village Crossing, on the east side of Oakdale Road, south side of West Village Way, west side of Pine Street, at the southern corner of Oakdale Road and West Atlanta Road, at the southeast corner of West Atlanta Road and Young Street, on the east side of West Atlanta Road and the west side of Atlanta Road, on the east side of West Atlanta Road, and at the northern corner of Pine Street and West Village Way. *(Continued by Staff until the November 7, 2017 Planning Commission hearing)*
- Z-65**      **VICTOR NWALA** (Victor Nwala Ngon, owner) requesting Rezoning from **LRO** to **NRC** for the purpose of a Beauty Salon in Land Lot 702 of the 19<sup>th</sup> District. Located on the east side of Austell Road, north of Byers Drive .
- 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 17<sup>th</sup> District. Located on the south side of Paces Ferry Road, east of Randall Road.
- 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 17<sup>th</sup> District. Located on the north side of Anderson Drive, west of Atlanta Road.

## **LAND USE PERMITS**

- LUP-19**     **PATRICIA HINES** (Patricia A. Hines, owner) requesting a **Land Use Permit** for the purpose of a Daycare in Land Lot 631 of the 19<sup>th</sup> District. Located on the west side of Crest Ridge Circle, south of Crest Ridge Road.
- 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 20<sup>th</sup> District. Located on the northeast side of Sunbrook Way, east of Sunbrook Drive.
- LUP-21**     **EDWARD & JULIE A. INFANZON** (Edward Infanzon and Julie A. Infanzon, owners) requesting a **Land Use Permit** for the purpose of Allowing more Unrelated Adults than County Code Permits in Land Lot 766 of the 16<sup>th</sup> District. Located on the northeast side of Canton Hills Court, east of Meadowood Drive.
- 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 20<sup>th</sup> District. Located at the southwest corner of Barrett Park Drive and Airport Road.
- LUP-23**     **JENNA MASON & JACQUAR DEVIN COWAN** (John R. Mangham and Margie G. Mangham, owners) requesting a **Land Use Permit** for the purpose of an Art Studio/Classes and Ultimate Sports Fitness Academy in Land Lot 148 of the 20<sup>th</sup> District. Located on the east side of Mars Hill Road, and on the southerly side of Giles Road.

## **SPECIAL LAND USE PERMIT**

**SLUP-11 K&J TOWING, LLC** (Randall R. Osborne, owner) requesting a **Special Land Use Permit** for the purpose of a Towing and Impound lot in Land Lots 595 and 596 of the 18<sup>th</sup> District. Located on the southeast side of Six Flags Parkway, west of Bishop Road.

**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.

**COBB COUNTY**  
**ZONING HEARING AGENDA**  
**Board of Commissioners–October 17, 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.*

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

- 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 17<sup>th</sup> District. Located on the south side of Ledford Street, west of Atlanta Road. *(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)*
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- 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 20<sup>th</sup> District. Located at the southwest intersection of Burnt Hickory Road and Bob Cox Road. *(Previously continued by the Board of Commissioners from their August 15, 2017 hearing until the October 17, 2017 Board of Commissioners hearing)*
- 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 17<sup>th</sup> 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 until the October 17, 2017 Board of Commissioners hearing)*
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- Z-65**      **VICTOR NWAL** (Victor Nwala Ngon, owner) requesting Rezoning from **LRO** to **NRC** for the purpose of a Beauty Salon in Land Lot 702 of the 19<sup>th</sup> District. Located on the east side of Austell Road, north of Byers Drive (3077 Austell Road). *(Continued by Staff until the November 7, 2017 Planning Commission hearing)*

**REGULAR CASES --- NEW BUSINESS (Cont)**

- Z-66**      **PHYLLIS R. JOHNSON** (Phyllis R. Johnson, owner) requesting Rezoning from **R-30** to **R-15** for the purpose of a Single-Family Residential House in Land Lot 973 of the 17<sup>th</sup> District. Located on the south side of Paces Ferry Road, east of Randall Road.
- Z-68**      **2045 ANDERSON, LLC** (2045 Anderson, LLC, owner) requesting Rezoning from R-20 to R-15 for the purpose of two residential lots Land Lots 697 and 698 of the 17<sup>th</sup> District. Located on the north side of Anderson Drive, west of Atlanta Road (2045 Anderson Drive).

**LAND USE PERMITS**

- LUP-19**    **PATRICIA HINES** (Patricia A. Hines, owner) requesting a **Land Use Permit** for the purpose of a Daycare in Land Lot 631 of the 19<sup>th</sup> District. Located on the west side of Crest Ridge Circle, south of Crest Ridge Road.
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### **SPECIAL LAND USE PERMIT**

**SLUP-11 K&J TOWING, LLC** (Randall R. Osborne, owner) requesting a **Special Land Use Permit** for the purpose of a Towing and Impound lot in Land Lots 595 and 596 of the 18<sup>th</sup> District. Located on the southeast side of Six Flags Parkway, west of Bishop Road.

### **OTHER BUSINESS CASES**

#### **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 1<sup>st</sup> District (31 Johnson Ferry Road). *(Previously continued by staff from the July 18, 2017, August 15, 2017 and September 19, 2017 hearings until the October 17, 2017 hearing)*

#### **ITEM OB-040**

To consider amending the site plan and stipulations for Pulte Home Company, LLC regarding rezoning applications Z-111 of 2001, Z-65 of 2003, Z-135 of 2005 and Z-31 of 2007, for property located at the northern terminus of Trumbul Oaks Court, the east side of Providence Club Drive, the southeasterly side of Providence Gate Lane, south of Veterans Memorial Highway in Land Lot 180 of the 18<sup>th</sup> District. *(Previously continued by staff from the September 19, 2017 Board of Commissioners Zoning Hearing until the October 17, 2017 Board of Commissioners hearing)*

#### **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 17<sup>th</sup> District (2780 Windy Ridge Parkway).

**ITEM OB-045**

To consider a site plan and stipulation amendment for Green Park PCH, Incorporated regarding rezoning application Z-44 of 1995 for property located at the west side of Sandy Plains Road, north of Ebenezer Road, in Land Lot 525 of the 16<sup>th</sup> District (2941 Sandy Plains Road).

**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 1<sup>st</sup> District.

**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.

**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.

**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.

**ITEM OB-050**

To conduct a public hearing and approve the Chattahoochee Corridor Plan Certificate of Compliance for construction of a single-family residence at 4248 Paces Ferry Road.

## **ITEM OB-051**

To consider a site plan and stipulation amendment for Racetrac Petroleum, Inc. regarding rezoning case Z-144 of 1997 for property located at the northeast intersection of Dallas Highway and Bob Cox Road, in Land Lot 332 of the 20<sup>th</sup> District (3350 Dallas Highway).

**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 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.