

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
FEBRUARY 2, 2021
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, February 2, 2021, in the second-floor public meeting room of Cobb County Building A, 100 Cherokee Street, Marietta, Georgia. Present and comprising a quorum of the Commission were:

Galt Porter, Chairman
Fred Beloin
Alice Summerour
Tony Waybright

At the recent passing of Planning Commissioner, Judy Williams, Chairman Porter outlined her life as she served Cobb County in Zoning for almost 48 years. Garvis L. Sams, Jr. gave a memorable tribute to her life and the person she was. To all who knew Judy, she will be missed but never forgotten.

CALL TO ORDER – CHAIRMAN PORTER

Chairman Porter called the hearing to order at 9:12 a.m.

Due to the COVID-19 pandemic, arrangements were made to allow for virtual public participation in addition to in person participation. Mr. John Pederson, Zoning Division Manager, explained the virtual participation format, reviewed the hearing procedures, and announced the following cases which were *withdrawn or continued*.

WITHDRAWN AND CONTINUED CASES

LUP-5 **ANNIESHA THOMAS** (Anniesha Thomas, owner) requesting a **Temporary Land Use Permit** for a group home in land lot 451 of the 16th district. Property is located at the southwest of the intersection of Mary Drive and Shelia Robin Trail (3186 Mary Drive).

Mr. Pederson presented the Applicant's request to withdraw LUP-5 without prejudice; thereafter, the following motion was made:

MOTION: Motion by Summerour, second by Waybright, to **allow** LUP-5 to be *withdrawn without prejudice*.

VOTE: **ADOPTED 4-0**

Z-52'²⁰ **CARL EDWARD DILLS** (Aubrey James McMillan, Jr., owner) requesting rezoning from **R-20** to **LI** for a sign shop in land lots 504 and 505 of the 18th district. Property is located on the south side of Six Flags Parkway, west of Queensferry Drive (436 Six Flags Parkway). (*Previously continued by the Planning Commission (PC) from the September 1, 2020, PC hearing until the October 6, 2020, PC hearing; continued by Staff from the October 6, 2020, and November 3, 2020, PC hearings until the December 1, 2020, PC hearing; held by the PC from the December 1, 2020, PC hearing until the February 2, 2021, PC hearing; continued by Staff from the February 2, 2021, PC hearing until the March 2, 2021, PC hearing; therefore, was not considered at this hearing*).

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WITHDRAWN AND CONTINUED CASES (CONT.)

- Z-59'**²⁰ **TAHMINA A. PATWARY** (Tahmina A. Patwary, owner) requesting rezoning from **R-20** to **O&I** for a professional office in land lot 745 of the 17th district. Property is located on the west side of Atlanta Road, north of Lee Road (3932 Atlanta Road). *(Previously continued by Staff from the October 6, 2020, through the February 2, 2021, Planning Commission (PC) hearings until the March 2, 2021, PC hearing; therefore, was not considered at this hearing).*
- Z-61'**²⁰ **GREEN LINE PARTNERS, LLC** (David Stone and Shekinah Stone, Wilma G. Lynam, owners) requesting rezoning from **R-20** to **RM-8** for townhomes (attached), single-family residential (detached) in land lots 182, 183, and 277 of the 18th district. Property is located on the northwest side of Queen Mill Road, on the eastern end of Mountain Court, south of Mountain Trail, on the north side of Ivey Road (6436 Ivey Road; 6350, 6370 Queen Mill Road). *(Previously continued by Staff from the October 6, 2020, through the February 2, 2021, Planning Commission (PC) hearings until the March 2, 2021, PC hearing; therefore, was not considered at this hearing).*
- Z-72'**²⁰ **NORTH POINT MINISTRIES, INC.** (The 'True Vine' Experience Foundation, Inc.; Sara M. Sweeney; Hanna Land Company, Inc., owners) requesting rezoning from **LRO, NRC, and R-20** to **O&I, NRC, and RM-8** for church, retail/restaurant, and townhomes in land lots 466, 467, 470, and 471 of the 16th district. Property is located on the south side of Shallowford Road, the west side of Johnson Ferry Road, the north and south sides of Waterfront Drive, and the east side of Waterfront Circle (multiple addresses). *(Previously continued by Staff from the December 1, 2020, Planning Commission (PC) hearing until the March 2, 2021, PC hearing; therefore, was not considered at this hearing).*
- ROD-1'**²⁰ **ATLANTIC REALTY ACQUISITIONS LLC** (Sprayberry Crossing Partnership, a Georgia General Partnership; Sandy Brownstone, LLC; Sandy Ten, LLC; Hong Tran and Hanh H. Tran, owners) requesting approval of the Redevelopment Overlay District for a mixed-use development in land lots 557, 596, and 629 of the 16th district. Property is located on the southeasterly side of Sandy Plains Road, and on the northerly side of East Piedmont Road (2692 Sandy Plains Road). *(Previously continued by Staff from the September 1, 2020, through the February 2, 2021, Planning Commission (PC) hearings until the March 2, 2021, PC hearing; therefore, was not considered at this hearing).*

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WITHDRAWN AND CONTINUED CASES (CONT.)

- Z-3** **DARREN MARTIN** (Darren E. Martin, owner) requesting rezoning from **PSC** to **R-12** for a single-family residence in land lot 699 of the 17th district. Property is located on the southeast side of Carson Lane, southwest of the intersection of Carson Lane and Atlanta Road (3587 Carson Lane). *(Continued by Staff until the March 2, 2021, Planning Commission hearing; therefore, was not considered at this hearing).*
- Z-6** **LOYD DEVELOPMENT SERVICES** (Southern Development Ventures, LLC, owner) requesting rezoning from **NRC, LRO, and RA-5** to **RM-8** for townhomes in land lots 297 and 388 of the 18th district. Property is located on the east side of South Gordon Road, the southwest side of Mableton Parkway, south of the intersection of South Gordon Road and Mableton Parkway, west of Dodgen Road (6590 Mableton Parkway). *(Continued by Staff until the March 2, 2021, Planning Commission hearing; therefore, was not considered at this hearing).*
- Z-8** **BEAZER HOMES, LLC** (Residuary Trust Under The 2010 Everett Family Trust; Lisa Kay Spillane; Patricia P. Giannoni and Kenneth Q. Giannoni, owners) requesting rezoning from **R-30, NRC, PSC, and GC** to **R-15 OSC** for a single-family residential subdivision in land lots 66, 83, and 84 of the 19th district. Property is located on the south side of Dallas Highway, on the east side of McConnell Road, and on the west side of Lost Mountain Road (750 Lost Mountain Road, 691 McConnell Road). *(Continued by Staff until the March 2, 2021, Planning Commission hearing; therefore, was not considered at this hearing).*

Mr. Pederson made the following announcements:

CAMPAIGN DISCLOSURE

All speakers who have made a campaign contribution totaling \$250.00 or more, within the last two years, to a local government official considering a zoning case are required to complete the "Campaign Disclosure Form" prior to speaking.

INFORMATION REGARDING ZONING CASES

All information regarding zoning cases must be turned in to the Zoning Office on the Wednesday prior to the zoning hearing for consideration. If said information is turned in past the deadline, then it is at the Board's discretion as to whether the information will be considered.

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CONSENT AGENDA

MOTION: Motion by Summerour, second by Waybright, to recommend **approval** of the following cases on the Consent Agenda, *as revised*:

Z-2 **HECTOR HERNANDEZ CASTILLO** (Hector Javier Hernandez and Maria Fidela Chantaca as Joint Tenants with Right of Survivorship, owners) requesting rezoning from **NS** to **R-15** for a single-family residence in land lots 638 and 695 of the 19th district. Property is located on the southwest side of Pair Road, southeast of the intersection of Pair Road and Powder Way (2229 Pair Road).

To recommend **approval** of Z-2 to the **R-15** zoning district, subject to:

1. Site Plan received by the Zoning Division on November 30, 2020, with the District Commissioner approving minor modifications (on file in the Zoning Division)
2. Applicant shall have 60 days to come into compliance with the outdoor storage regulations
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 on February 16, 2021

Z-4 **KENNETH E. MOORE** (Kenneth E. Moore, owner) requesting rezoning from **R-20** and **O&I** to **CRC** for an office/retail use in land lot 1019 of the 19th district. Property is located on the east side of Austell Powder Springs Road, east of the intersection of Austell Powder Springs Road and Smith Drive (4415/4425 Austell Powder Springs Road).

To recommend **deletion** of Z-4 to the **NRC** zoning district, subject to:

1. Site Plan received by the Zoning Division on December 3, 2020, with the District Commissioner approving minor modifications (on file in the Zoning Division)
2. Letter of agreeable conditions from Garvis L. Sams, Jr. dated January 29, 2021 (on file in the Zoning Division)
3. The following applies to the property located at 4415 Austell Powder Springs Road:
 - A. Canopy to be repaired and painted or removed within one year of the final Board of Commissioners' (BOC) Zoning decision
 - B. The fence at the front of the property, either on or near the new right-of-way, to be removed within 90 days of the final BOC Zoning decision

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CONSENT AGENDA (CONT.)

Z-4 KENNETH E. MOORE (CONT.)

- C. Garage doors to be painted or replaced within one year of the final BOC Zoning decision
- 4. All signs to come into compliance with current County Ordinance within 60 days of the final BOC Zoning decision
- 5. Variance as detailed in the Zoning comments and recommendations
- 6. *Revised* Stormwater Management Division comments and recommendations
- 7. Water and Sewer Division comments and recommendations
- 8. *Revised* Department of Transportation comments and recommendations
- 9. 35-foot landscape buffer to be planted where possible along the eastern property lines
- 10. Property uses to be professional office or neighborhood retail uses *only*, with no outdoor storage and no outdoor displays of merchandise
- 11. Staff comments and recommendations
- 12. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 16, 2021

Z-5 SIMONE A. SOARES (Aureliano E. Dos Santos and Simone A. Soares, owners) requesting rezoning from **R-20 and GC** to **R-20** for a single-family residence in land lot 211 of the 20th district. Property is located on the west side of Lucy Drive, north of the intersection of Lucy Drive and Greers Chapel Road (1745 Lucy Drive).

To recommend approval of Z-5 to the **R-20** zoning district, subject to:

- 1. Site Plan received by the Zoning Division on December 3, 2020, with the District Commissioner approving minor modifications (on file in the Zoning Division)
- 2. Stormwater Management Division comments and recommendations
- 3. Water and Sewer Division comments and recommendations
- 4. Department of Transportation comments and recommendations
- 5. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 16, 2021

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CONSENT AGENDA (CONT.)

LUP-1 **GARFIELD MCCOOK** (Garfield McCook and Andrea McCook, owners) requesting a **Temporary Land Use Permit (Renewal)** for a personal care home in land lot 222 of the 20th district. Property is located on the south side of Stilesboro Road, west of the intersection of Stilesboro Road and Allatoona Lane (4549 Stilesboro Road).

To recommend **approval** of LUP-1 for **24 months**, subject to:

- 1. Maximum of 10 residents**
- 2. Maintain turn around capabilities of driveway so that vehicles can exit the property frontwards**
- 3. No exterior signs**
- 4. Maintain all State and County required permits**
- 5. Maintain size of the lot as it exists currently**
- 6. Department of Transportation comments and recommendations**
- 7. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 16, 2021**

LUP-2 **YOUNG S. UTASH** (Michael J. Utash and Young S. Utash, owners) requesting a **Temporary Land Use Permit (Renewal)** for clothing alterations and bridal gown sales in land lot 126 of the 20th district. Property is located on the east side of Kimberly Road, north of the intersection of Kimberly Road and Old 41 Highway (3230 Kimberly Road).

To recommend **approval** of LUP-2 for **24 months**, subject to:

- 1. Maximum number of truck deliveries to be one per month**
- 2. Maximum number of customers to be no more than two per day and by appointment *only***
- 3. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 16, 2021**

LUP-3 **LIVING HOPE LUTHERAN CHURCH** (Living Hope Lutheran Church, Inc., owner) requesting a **Temporary Land Use Permit (Renewal)** for an early childhood learning center in land lot 201 of the 20th district. Property is located northwest of the intersection of Mack Dobbs Road and Stilesboro Road (3450 Stilesboro Road).

To recommend **approval** of LUP-3 for **24 months**, subject to:

- 1. Site Plan received by the Zoning Division on October 22, 2020, with the District Commissioner approving minor modifications (on file in the Zoning Division)**

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CONSENT AGENDA (CONT.)

LUP-3 LIVING HOPE LUTHERAN CHURCH (CONT.)

2. Attached previously approved traffic flow plan (on file in the Zoning Division)
3. Department of Transportation comments and recommendations
4. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 16, 2021

LUP-6 CAITLIN COSTELLO (Caitlin Costello, owner) requesting a **Temporary Land Use Permit** for a flower farm and sales in land lot 156 of the 1st district. Property is located on the north side of Sunset Trail, east of Bayliss Drive (5171 Sunset Trail).

To recommend **approval** of LUP-6 for **24 months**, subject to:

1. No sales from this location
2. No exterior signs
3. Department of Transportation comments and recommendations
4. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 16, 2021

LUP-8 JEFF RANDOL (Jeffrey Randol and Karen Randol, owners) requesting a **Temporary Land Use Permit (Renewal)** to allow temporary occupancy of an RV in land lot 166 of the 16th district. Property is located on the southeast side of Remington Court, northeast of the intersection of Remington Court and Trickum Road (2266 Remington Court).

To recommend **approval** of LUP-8 for **24 months**, subject to:

1. Family use *only*
2. Mobile home to be removed once family use is not needed anymore
3. Department of Transportation comments and recommendations
4. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 16, 2021

Prior to the motion on the Consent Agenda, the Planning Commission requested that Z-7 (John Gibson) be added to the Consent Agenda. The Applicant's representative, Parks Huff, was present, and there was no opposition present. Thereafter, Mr. Pederson read Z-7 into the record, Parks Huff read in the stipulations, and then a motion was made to add Z-7 to the Consent Agenda.

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CONSENT AGENDA (CONT.)

Z-7 **JOHN GIBSON** (Ceton Corporation, owner) requesting rezoning from **GC** to **NRC** for light automotive repair in land lot 85 of the 16th district. Property is located on the north side of Ecton Drive, the south side of Old Noonday School House Road, west of Canton Road (4706 Ecton Drive).

To recommend **approval** of Z-7 to the **NRC** zoning district, subject to:

- 1. Limitation on uses include the following: no massage business, no tattoo or body piercing, no pawn or title shop, and no check cashing; all other NRC uses will comply with the NRC regulations**
- 2. Staff comments and recommendations**

MOTION: Motion by Summerour, second by Waybright, to **add** Z-7 to the Consent Agenda.

VOTE: **ADOPTED** 4-0

CONSENT VOTE: **ADOPTED** 4-0

Chairman Porter called for a brief recess from 9:30 a.m. until 9:36 a.m.

REGULAR AGENDA

Z-39²⁰ **KO MANAGEMENT, INC.** (Iglesia Torre Fuerte C.A.P.P., Inc., owner) requesting rezoning from **CF and GC** to **RA-5** for a subdivision in land lot 37 of the 17th district. Property is located on the south side of Puckett Drive, east of Mableton Parkway (637 and 667 Puckett Drive). *(Previously continued by Staff from the July 7, 2020, through the November 3, 2020, Planning Commission (PC) hearings until the December 1, 2020, PC hearing; continued by the PC from their December 1, 2020, hearing until the February 2, 2021, PC hearing).*

The public hearing was opened; Parks Huff and Robin Meyer (virtual speaker) addressed the Planning Commission. Following presentation and discussion, the following motion was made:

MOTION: Motion by Porter, second by Summerour, to **hold** Z-39²⁰ until the March 2, 2021, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 4-0

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REGULAR AGENDA (CONT.)

Z-67²⁰ **YOLANDA CREESE** (Julio Hugo Penza Ruso, owner) requesting rezoning from **LRO** to **NRC** for a barber/beauty shop in land lot 1006 of the 19th district. Property is located on the east side of Austell Road, north of Elmwood Drive (4389 Austell Road). *(Previously continued by the Planning Commission (PC) from the December 1, 2020, PC hearing until the February 2, 2021, PC hearing).*

The public hearing was opened, and Yolanda Creese addressed the Planning Commission. Following presentation and discussion, the following motion was made:

MOTION: Motion by Porter, second by Summerour, to recommend **deletion** of Z-67²⁰ to the **LRC** zoning district, subject to:

1. Site Plan received by the Zoning Division on January 22, 2020 **21**(on file in the Zoning Division)
2. For beauty/barber shop use *only*
3. Allowance for additional parking to meet code requirements
4. The 8-foot landscape enhancement strip adjacent to Austell Road right-of-way
5. Landscaping to be provided around the building
6. Landscaping Plan to be submitted to County Landscape Architect for approval
7. Enhancement strip and landscaping to be completed within 90 days of the Board of Commissioners' (BOC) Zoning decision
8. Repairs of the building facia, windows, window trim, crawl space access to be completed within 90 days of the BOC Zoning decision
9. Parking lot to be added with at least five striped spaces to County Standards
10. Parking Plan to be approved by the Zoning Division Manager
11. No certificate of occupancy to be issued until all stipulation have been completed
12. The District Commissioner may approve minor modifications, *except for those that:*
 - A. increase overall building square footage
 - B. change that is in conflict with an expressed stipulation or condition of Zoning
 - C. requires a variance or violates Cobb County Ordinance
13. Staff comments and recommendations, *not otherwise in conflict*
14. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 16, 2021

VOTE: ADOPTED 4-0

Clerk's Note: The date for the Site Plan is January 22, 2021, not January 22, 2020, as inadvertently stipulated by Chairman Porter.

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REGULAR AGENDA (CONT.)

Mr. Waybright announced he was recusing himself from Z-1 (Kerley Family Homes, LLC).

Z-1 **KERLEY FAMILY HOMES, LLC** (Westlake/Atlanta Joint Venture, owner) requesting rezoning from **GC** to **FST** for townhomes in land lot 516 of the 18th district. Property is located on the southeast side of Blair Bridge Road, northeast side of Riverside Parkway, east of the intersection of Blair Bridge Road and Riverside Parkway (no address).

The public hearing was opened; Kevin Moore and the following virtual speakers: Chandra Guesr, Vanessa Whitehead, and Antoinette McNear-Wright addressed the Planning Commission. Following presentation and discussion, the following motion was made:

MOTION: Motion by Porter, second by Summerour, to **hold** Z-1 until the March 2, 2021, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 3-0, Waybright recused

Chairman Porter called for a brief recess from 11:06 a.m. until 11:15 a.m.

LUP-4 **JOHN LAY** (Gardner-Austell Circle Trust, owner) requesting a **Temporary Land Use Permit** to allow more adults and vehicles than the code allows in land lots 155 and 156 of the 17th district. Property is located on the south side of Austell Circle, southeast of the intersection of Austell Circle and Austell Road (1943 Austell Circle).

The public hearing was opened; John Lay and David Haley (virtual speaker) addressed the Planning Commission. Following presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Waybright, to recommend **denial** of LUP-4, subject to:

- 1. Applicant to come into compliance within 90 days from the Board of Commissioners' final decision**

VOTE: **ADOPTED** 4-0

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REGULAR AGENDA (CONT.)

LUP-7 **DOUGLAS ROHAN** (Douglass B. Rohan and Julia Rohan, owners) requesting a **Temporary Land Use Permit** to allow temporary occupancy of an RV in land lot 979 of the 16th district. Property is located on the southeast side of Nantucket Drive, west of Hidden Hollow Drive (3498 Nantucket Drive).

The public hearing was opened, and Douglas Rohan addressed the Planning Commission. Following presentation and discussion, the following motion was made:

MOTION: Motion by Waybright, second by Beloin, to recommend **denial** of LUP-7.

VOTE: **ADOPTED** 4-0

OTHER BUSINESS

O.B. 1 To consider a recommendation to the Board of Commissioners regarding the following 2021 proposed code amendments for Chapter 134 of the Official Code of Cobb County. A copy of the proposed *2021 Code Amendments, Package I*, is on file in the County Clerk's Office.

Ms. Jessica Guinn, Community Development Agency Director, provided follow-up information regarding some of the amendments as requested from the January 5, 2021, Planning Commission Comprehensive Plan Hearing.

Following presentation and discussion, the following motions were made:

MOTION: Motion by Waybright, second by Beloin, to recommend **approval** of the proposed code amendment for *Section 134-321. Commercially and industrially-zoned properties*, with the following change:

134-321(e) – delete in its entirety and replace with the following:

*“Maximum wall signage shall be 1 sq. foot per 1 linear foot;
Maximum for one and two story buildings and buildings under 30 feet tall shall be 100 sq. feet;
Maximum for buildings more than two stories or over 30 feet tall shall be 150 sq. feet;
If a building is more than 200 feet from the right-of-way, then the maximum shall be 150 sq. feet for one and two story buildings or buildings under 30 feet tall and the maximum shall be 200 sq. feet for buildings exceeding two stories and/or over 30 feet tall”*

VOTE: **ADOPTED** 4-0

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OTHER BUSINESS

O.B. 1 (CONT.)

MOTION: Motion by Waybright, second by Summerour, to recommend **approval** of the proposed code amendment for *Section 134-322. Nonresidential uses on residential properties*, with the following changes:

134-322 – change section name to: “*Nonresidential uses on residential properties, and apartment and residential subdivision signs*”

134-322(b) – revise to read: “...*this section, except for residential subdivision signs and multi-family residential signs, ...*”

VOTE: **ADOPTED 4-0**

MOTION: Motion by Porter, second by Beloin, to recommend **approval** of the proposed code amendment for *Section 134-290. Austell Road Design Overlay District*, with the following change:

134-290(2)(a) – add to the end: “*where the construction value exceeds 25% of the Tax Assessor’s fair market value.*”

VOTE: **ADOPTED 4-0**

Clerk’s Note: Planning Commission recommends that the Overlay Guidelines be updated with consideration to the fact that the Guidelines now have the force of Code.

APPROVAL OF MINUTES

MOTION: Motion by Waybright, second by Summerour, to **approve** the following minutes, *as presented*:

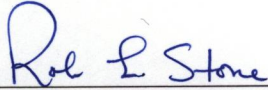
- December 9, 2020 – Special Called Meeting/To Adopt Minutes
- January 5, 2021 – Special Called Meeting/Agenda Review of Proposed 2021 Comprehensive Land Use Plan
- January 11, 2021 – Special Called Meeting/To Adopt Planning Commission Comprehensive Land Use Plan Minutes
- January 25, 2021 – Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED 4-0**

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ADJOURNMENT

The hearing adjourned at 12:44 p.m.



Robin L. Stone, Deputy County Clerk
Cobb County Planning Commission