

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
MAY 4, 2021
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, May 4, 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
Deborah Dance
Stephen Vault
Tony Waybright

CALL TO ORDER – CHAIRMAN PORTER

Chairman Porter called the hearing to order at 9:02 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the virtual participation format, reviewed the hearing procedures, and announced the following cases which were *withdrawn or continued*.

WITHDRAWN AND CONTINUED CASES

Z-16 **CENTURY COMMUNITIES INC.** (Bernard E. Inhulsen, Karen Savage Landers, owners) requesting rezoning from **R-80** to **R-20/OSC** for single-family residential subdivision in land lots 386 and 429 of the 19th district. Property is located on the north side of Old Mountain Road, on the north side of the intersection of Old Mountain Road and Thayer Drive, east of Macland Woods Drive (1949 Lost Mountain Road). (*Continued by Staff until the May 4, 2021, Planning Commission hearing*). **WITHDRAWN WITHOUT PREJUDICE**

Z-24 **WUKUAN JIA** (Ze Jia, owner) requesting rezoning from **R-20** to **R-15** for a single-family subdivision in land lots 47 and 102 of the 19th district. Property is located at the terminus of Winding Creek Lane and the terminus of Arbor Forest Drive, west of John Ward Road (1830 Winding Creek Lane).

Mr. Pederson presented the Applicant's request to withdraw Z-24 without prejudice; thereafter, the following motion was made:

MOTION: Motion by Beloin, second by Vault, to **allow** Z-24 to be *withdrawn without prejudice*.

VOTE: **ADOPTED 5-0**

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WITHDRAWN AND CONTINUED CASES (CONT.)

- Z-13** **KERLEY FAMILY HOMES, LLC** (Lillian Marie Latham, owner) requesting rezoning from **LRO** and **RSL** to **RSL** for residential senior living, non-supportive residential units in land lot 122 of the 20th district. Property is located south of McClure Road, southwest of the intersection of McClure Road and Acworth Due West Road (4321 McClure Road). *(Previously continued by Staff from the March 2, 2021, through the May 4, 2021, Planning Commission (PC) hearings until the June 1, 2021, PC hearing; therefore, was not considered at this hearing).*
- Z-22** **ORPHEE NWAL** (Orphee M Nwal, owner) requesting rezoning from **GC** to **NRC** for light automotive repair in land lots 631 and 702 of the 19th district. Property is located on the east side of Austell Road, south of Milford Church Road (3011 Austell Road). *(Continued by Staff until June 1, 2021, Planning Commission hearing; therefore, was not considered at this hearing).*
- Z-27** **KCG DEVELOPMENT, LLC** (Lester C. Wiley, owner) requesting rezoning from **R-20** to **RM-12** for residential multifamily in land lot 54 of the 17th district. Property is located on the south side of Smyrna Powder Springs Road, west of Harris Road (675 Smyrna Powder Springs Road). *(Continued by Staff until June 1, 2021, Planning Commission hearing; therefore, was not considered at this hearing).*
- Z-23** **FIFTY-NINE TWELVE MABLETON PARKWAY, LLC** (Fifty-Nine Twelve Mableton Parkway, LLC and Igbo Union Atlanta USA, Inc., owner) requesting rezoning from **NS** and **CRC** to **CRC** for commercial retail in land lot 78 of the 18th district. Property is located on the west side of Mableton Parkway, the north side of Old Powder Springs Road, and south of Old Alabama Road (5912 Mableton Parkway, 648 Old Powder Springs Road, unaddressed parcel).

The Applicant's representative, Parks Huff, requested a continuance of Z-23; thereafter, the following motion was made:

MOTION: Motion by Porter, second by Dance, to **continue** Z-23 until the June 1, 2021, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

Mr. Pederson made the following announcements and then read in the Consent Agenda.

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.

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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.

CONSENT AGENDA

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

LUP-14 **SHILOH HILLS CHRISTIAN SCHOOL** (Shiloh Hills Baptist Church of Cobb County, Inc., owner) requesting a **Temporary Land Use Permit** for educational programs for three and four year olds in land lots 210 and 211 of the 16th district. Property is located on the south side of Hawkins Store Road, on the north side of I-575, east of Bells Ferry Road (260 Hawkins Store Road).

To recommend **approval** of LUP-14 for **24 months**, subject to:

- 1. Site plan submitted on March 3, 2021 (on file in the Zoning Division)**
- 2. Department of Transportation comments and recommendations**
- 3. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on May 18, 2021**

Prior to the Consent Vote, Chairman Porter asked for Z-18 (Twigs Farmers Market LLC) to be added to the Consent Agenda. The Applicant was present, and there was no opposition present. Mr. Pederson read Z-18 into the record; Chairman Porter made the following motion and read in his stipulations:

MOTION: Motion by Porter, second by Vault, to **add** Z-18 to the Consent Agenda, as follows:

Z-18 **TWIGS FARMERS MARKET LLC** (Boldrick A. Wisdom and Loraine L. Wisdom, owners) requesting rezoning from **R-20** to **NRC** for a grocery store in land lot 869 of the 19th district. Property is located at the northeast corner of the intersection of Hopkins Road and Powder Springs Road, on the east side of Hopkins Road and on the north side of Powder Springs Road (3815 Hopkins Road). *(Previously held by the Planning Commission (PC) from the April 6, 2021, PC until the May 4, 2021, PC hearing).*

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CONSENT AGENDA (CONT.)

Z-18 TWIGS FARMERS MARKET LLC (CONT.)

To recommend **approval** of Z-18 to the NRC zoning district, subject to:

- 1. Letter of agreeable conditions from Michele Battle dated May 4, 2021 (on file in the Zoning Division)**
- 2. Staff comments and recommendations, *not otherwise in conflict***
- 3. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on May 18, 2021**

VOTE: ADOPTED 5-0

CONSENT VOTE: ADOPTED 5-0

REGULAR AGENDA

Z-52'²⁰ CARL EDWARD DILLS (Aubrey James McMillan, Jr., Carl Edward Dills, owners) 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, and March 2, 2021, PC hearing until the April 6, 2021, PC hearing; continued by the PC until the May 4, 2021, PC hearing).*

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

MOTION: Motion by Porter, second by Vault, to recommend **approval** of Z-52'²⁰ to the **LI** zoning district, subject to:

- 1. Site Plan received by the Zoning Division on April 26, 2021 (on file in the Zoning Division), with the following change:**
 - A. The dumpster location shown on the Site Plan is not approved; the dumpster is to be relocated to the side of the new loading dock as far back as reasonably possible**
- 2. Uses to be restricted to a maximum of 3300 sq. feet for specialized contractor; maximum of 3360 sq. feet for office space and the balance to be warehouse**

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REGULAR AGENDA (CONT.)

Z-52'²⁰

CARL EDWARD DILLS (CONT.)

3. Connection to sewer; no septic system use
4. The entry gate to be moved at least 50 feet from the right-of-way
5. Landscape Review Committee to be established, consisting of the Applicant, Mableton Improvement Coalition, and Community Development; the purpose of the committee will be to review proposed landscaping and fencing plans for the property, including:
 - A. Two staggered rows of evergreens around the detention pond
 - B. Review fencing to be used
 - C. Landscaping around the parking lot and building
 - D. Landscape buffers
6. No razor or barbed wire fencing to be visible from the right-of-way or residentially zoned property
7. Any dead or damaged landscaping to be replaced within 90 days
8. All parking spaces and parking aprons to have hard curbs to prevent vehicles from driving on non-hardened surfaces
9. No outdoor storage of any materials, products, or debris
10. All signage must meet current Cobb County Ordinance; no signs are to be grandfathered
11. Building architecture, style, color, and roofing to be as shown in the rendering shown at today's hearing (on file in the Zoning Division), unless modifications are approved by the District Commissioner
12. No gravel areas; all vehicles must be parked on hardened surfaces
13. All dumpsters to be in masonry enclosures with steel gates
14. The District Commissioner may approve minor modifications, *except for those that:*
 - A. increase the density of a residential project or the overall square footage of a building for a non-residential project
 - B. cause a reduction in the size of an approved buffer
 - C. cause the relocation of a structure closer to the property line of an adjacent property that is zoned the same or is more restrictive in its designated zoning
 - D. increase the height of a building that is adjacent to a property that is zoned the same or is more restrictive in its designated zoning
 - E. change an access location to a different roadway
 - F. change that is in conflict with an expressed stipulation or condition of zoning
 - G. requires a variance or violates Cobb County Ordinance
15. Staff comments and recommendations, *not otherwise in conflict*
16. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on May 18, 2021

VOTE: ADOPTED 5-0

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REGULAR AGENDA (CONT.)

Z-61'²⁰ **GREEN LINE PARTNERS, LLC** (David Stone and Shekinah Stone, Wilma G. Lynam, owners) requesting rezoning from **R-20** to **RA-5** and **R-20** for a 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 March 2, 2021, Planning Commission (PC) hearings until the April 6, 2021, PC hearing; held by the PC until the May 4, 2021, PC hearing).*

The public hearing was opened; James Balli, Brenda Nash, and the following virtual speakers: Robin Meyer, Faye Williams, and Yashica Marshall addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Porter, second by Beloin, to recommend **denial** of Z-61'²⁰.

VOTE: **ADOPTED 5-0**

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 April 6, 2021, PC hearing; held by the PC until the May 4, 2021, PC hearing).*

The public hearing was opened; Kevin Moore, Ruth Michels, Jill Flamm, David Rumrill, and Chris Peters (virtual speaker) addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Waybright, second by Vault, to **hold** Z-72'²⁰ until the June 1, 2021, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

Chairman Porter called for a brief recess from 11:06 a.m. until 11:19 a.m.

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REGULAR AGENDA (CONT.)

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 March 2, 2021, Planning Commission (PC) hearings until the April 6, 2021, PC hearing; held by the PC from the April 6, 2021 PC hearing until the May 4, 2021, PC hearing).*

The public hearing was opened; Kevin Moore, Maureen Rittner, Tim Carini, Dan McGarity, and David Stafford (virtual speaker) addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Dance, second by Vault, to **hold** ROD-1'²⁰ until the June 1, 2021, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

Clerk's Note: Ms. Dance gave specific direction to the Developer to address a number of issues prior to the next hearing.

Chairman Porter called for a lunch break at 12:33 p.m. The hearing reconvened at 1:33 p.m.

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). *(Previously continued by Staff from the February 2, 2021, Planning Commission (PC) hearing until the March 2, 2021, PC hearing; held by the PC from the March 2, 2021, and April 6, 2021, PC hearings until the May 4, 2021, PC hearing).*

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

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REGULAR AGENDA (CONT.)

Z-8 BEAZER HOMES, LLC (CONT.)

MOTION: Motion by Beloin, second by Waybright, to recommend deletion of Z-8 to the **R-20/OSC** zoning district, subject to:

1. Letter of agreeable conditions from Kevin Moore dated April 28, 2021 (on file in the Zoning Division), with the following change:
 - A. Item No. 2: revise from “R-15/OSC” to “R-20/OSC”
 - B. No variances except expressly granted by the Board of Commissioners, *if any*, a new conforming Site Plan is required to be reviewed before the Board of Commissioners hearing
 - C. Item No. 3: revise to allow up to 57 single family detached residences
 - D. Item No. 4: change from 2,400 sq. feet to 2,200 sq. feet
 - E. Item No. 5: add “*Exterior finishes on the front of the houses shall be hard coat stucco, brick, stone, stacked stone, masonry, or cedar shakes style, or any combination thereof, except to the extent any variation is authorized by the District Commissioner*”
 - F. All side setbacks shall remain at least 7.5 feet and all other setbacks shall be as required by code
 - G. Item No. 14, subset (c): change from a “ten” to “15” foot buffer
 - H. Item No. 17: delete the words: “*except as may be modified by the Director of such Division.*”
 - I. Item No. 19: delete the words: “*except as may be waived or modified by the Director of Department of Transportation.*”
2. Staff comments and recommendations, *including*, Fire Department, Site Plan Review, Water and Sewer
3. In the event of any conflict, the comments and conditions already stated and the staff comments and recommendations will control over the Applicant’s agreeable stipulations
4. All utilities to be clearly marked so as not to endanger the homeowners, their contractors, and invitees
5. The landscape buffer on McConnell Road that is shown on the plan as open space should have supplemental plantings over the southern most 500 feet of McConnell Road in order to provide a visual buffer
6. Boundaries between the open space and the lot lines must be clearly delineated and covenants must provide for same
7. Along Lost Mountain Road there is to be a 15-foot buffer with a double row of evergreen tree plantings to provide an adequate visual screen; confirm or resolved by the County Arborist with any questions

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REGULAR AGENDA (CONT.)

Z-8 BEAZER HOMES, LLC (CONT.)

- 8. Any perimeter lot (i.e., any portion of the lot that is 150 feet from either Lost Mountain Road or McConnell Road) shall be at least 14,000 sq. feet and shall not be less than 75 feet wide**

VOTE: ADOPTED 5-0

- Z-19** **TRATON, LLC** (Werbell Enterprises LLLP, owner) requesting rezoning from **R-20** to **R-15/OSC** for a single-family residential subdivision in land lots 458, 459, and 504 of the 19th district. Property is located on the south side of Macland Road and on the north side of Gaydon Road, west of the intersection of Macland Road and New Macland Road (4321 Macland Road). *(Previously continued by Staff from the April 6, 2021, Planning Commission (PC) hearing until the May 4, 2021, PC hearing).*

The public hearing was opened; Kevin Moore, Kevin Hanson, Romaine Black, and Winifred Byers addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Porter, second by Dance, to recommend **approval** of Z-19 to the **R-15/OSC** zoning district, subject to:

- 1. Letter of agreeable conditions from Kevin Moore dated April 28, 2021, including the Site Plan (on file in the Zoning Division)**
- 2. Garages are not to be converted to other uses; garages shall remain available primarily for the parking of vehicles, with only incidental storage that does not interfere with the parking of vehicles**
- 3. Front elevations of all properties are to be at least 50% brick or stacked stone; District Commissioner to approval final elevations**
- 4. All water from impervious surfaces from houses and driveways to flow to the east side of the property, not the west**
- 5. Staff comments and recommendations, *not otherwise in conflict***

VOTE: ADOPTED 5-0

Clerk's Note: Chairman Porter requested that DOT review the traffic study prior to the BOC Zoning Hearing.

Mr. Vault left the hearing at 3:05 p.m.

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REGULAR AGENDA (CONT.)

Z-20 **COBB COUNTY BOARD OF COMMISSIONERS** (Cobb County (Cobb County Board of Commissioners/ Lisa N. Cupid, Chairwoman), owner) requesting rezoning from **R-30** to **LRC** for retail and/or office in land lot 225 of the 20th district. Property is located on the east side of Mars Hill Road, south of Stilesboro Road (1660 Mars Hill Road). *(Previously held by the Planning Commission (PC) from the April 6, 2021, PC hearing until the May 4, 2021, PC hearing).*

The public hearing was opened, and there was no one in-person or virtually in opposition to Z-20. Mr. Pederson represented the Applicant and presented the case to the Planning Commission. Following discussion, the following motion was made:

MOTION: Motion by Beloin, second by Dance, to recommend **approval** of Z-20 to the **LRC** zoning district.

VOTE: **ADOPTED** 3-1, Porter opposed and Vault not present

LUP-11 **GREGORY D. BOWEN** (Gregory Dwight Bowen and Robin Elaine Bowen, owners) requesting a **Temporary Land Use Permit** for renewal to allow temporary occupancy of an RV in land lot 146 of the 20th district. Property is located on the east side of Mars Hill Church Road, south of Whitt Station Run (2950 Mars Hill Church Road).

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

MOTION: Motion by Beloin, second by Waybright, to recommend **approval** of LUP-11 for **9 months**, subject to:

- 1. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on May 18, 2021**

VOTE: **ADOPTED** 4-0, Vault not present

After Mr. Pederson read in SLUP-2 (Diamond Towers), Chairman Porter called for a brief recess from 3:19 p.m. until 3:31 p.m.

Mr. Vault returned to the hearing at 3:52 p.m.

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REGULAR AGENDA (CONT.)

SLUP-2 DIAMOND TOWERS (Thankful Baptist-Kennesaw, Inc., owner) requesting a **Special Land Use Permit** for a cellular tower in land lot 256 of the 20th district. Property is located on the southeast side of Kennesaw Due West Road, south of Frank Kirk Road (928 Kennesaw Due West Road). *(Continued by Staff until the May 4, 2021, Planning Commission hearing).*

The public hearing was opened; Bebb Francis, Thomas Waniewski, Ricky Stephens, and Billy Brawner addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Waybright, to recommend denial of SLUP-2.

VOTE: FAILED 1-4, Porter, Waybright, Dance, and Vault opposed

Due to the failed motion, the following substitute motion was made:

MOTION: Motion by Vault, second by Dance, to **hold** SLUP-2 until the June 1, 2021, Planning Commission Zoning Hearing.

Clerk's Note: *Ms. Dance provided specific direction that all evidentiary matters be presented at that time by both sides.*

Prior to the vote, Mr. Beloin commented that last week at the Planning Commission (PC) Agenda Review Work Session, the County Attorney's office advised the PC about a "shot clock" in which the PC has 150 days to either approve to deny the application.

After further discussion, Chairman Porter requested the Applicant comment about the "shot clock". The Applicant's representative, Bebb Francis, made the following comment on the record regarding the "shot clock":

"On behalf of Diamond Communications, Diamond Communications agrees to waive the enforcement of the 'shot clock' and request that we be placed on the June Agenda and will follow that up with a document tomorrow to you." (document on file in the Zoning Division)

Clerk's Note: *The Planning Commission directed the Applicant to address the following issues within the next 30 days:*

- 1. Break point location*
- 2. Adjust tower location*
- 3. Landscaping around the tower*
- 4. Review the impact on property value and provide supporting documentation*
- 5. Provide elevations of what the tower and accessory structures will look like*

VOTE: **ADOPTED** 4-1, Beloin opposed

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REGULAR AGENDA (CONT.)

Z-21 **SWAMINE LLC** (Swamine, LLC, owner) requesting rezoning from **GC** to **NRC** for a package store in land lot 866 of the 19th district. Property is located on the south side of Powder Springs Road, on the east side of Sanders Road (2991 Powder Springs Road).

The public hearing was opened; Maulik Patel and the following virtual speakers: Shannon Joy and Carolyn Cooper addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Porter, second by Dance, to recommend **approval** of Z-21 to the **NRC** zoning district, subject to:

- 1. Site Plan received by the Zoning Division on April 22, 2021 (on file in the Zoning Division), with the following changes:**
 - A. The area on the front between the proposed building and the existing building may be enclosed (not required)**
 - B. Dumpster enclosures be added behind the building and have sufficient paving added to provide turn around capabilities for the garbage trucks**
 - C. Addition of stormwater management, *if required***
- 2. The front and eastern side of both the existing and new building are to be brick or stacked stone; work to be done so as to make the buildings appear consistent from the street**
- 3. District Commissioner to approve elevations**
- 4. The free-standing metal decoration in front of the existing building to be removed**
- 5. The gas pump canopy to be renovated**
- 6. An 8-foot wide landscaping enhancement strip to be placed along the Powder Springs Road and Sanders Road right-of-ways**
- 7. Landscaping to be placed in front of the retaining wall to the west of the building**
- 8. County Arborist to approve landscaping plan**
- 9. All signs to meet current Cobb County Ordinance; existing pylon sign to be removed but can be replaced with a ground-based monument sign that meets County Ordinance**
- 10. No more than 25% of the window area to have signs**
- 11. All fencing to be non-wooden**
- 12. The District Commissioner may approve minor modifications, *except 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**

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REGULAR AGENDA (CONT.)

Z-21 SWAMINE LLC (CONT.)

13. Staff comments and recommendations, *not otherwise in conflict*

VOTE: **ADOPTED** 4-0, Vault abstained

Chairman Porter called for a brief recess from 5:48 p.m. until 5:57 p.m.

After the recess, Mr. Vault asked to revisit his prior vote on Z-21 (Swamine LLC). Guidance was given by Brian Johnson from the County Attorney's office regarding the motion. Thereafter, Chairman Porter made the following motion to reconsider the vote for Z-21:

MOTION: Motion by Porter, second by Waybright, to **reconsider** the prior vote of Z-21 (see prior vote for Z-21 above).

VOTE: **ADOPTED** 4-1, Vault opposed

Z-25 THE FURNITURE AND MATTRESS WAREHOUSE LP (The Furniture and Mattress Warehouse LP, owner) requesting rezoning from **GC** to **NRC** for retail/office in land lot 642 of the 16th district. Property is located on the south side of Piedmont Road, on the east side of Bells Ferry Road (Piedmont Road).

The public hearing was opened; Brad Russell, Tullan Avar, Evan DeYoung, Sam Awad, and the following virtual speakers: Erin Quackenbush and Kate Ramsey addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Dance, second by Vault, to **hold** Z-25 until the June 1, 2021, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 5-0

Z-26 ORCHARDS DEVELOPMENT, LLC (Young Men's Christian Association of Metropolitan Atlanta, Inc., owner) requesting rezoning from **R-20** to **RSL** for residential senior living, non-supportive residential units in land lots 914, 915, 958, and 959 of the 16th district. Property is located on the southeast side of Sewell Mill Road, the southwest side of East Piedmont Road (2394/2424 Sewell Mill Road, unaddressed parcel).

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REGULAR AGENDA (CONT.)

Z-26 ORCHARDS DEVELOPMENT, LLC (CONT.)

The public hearing was opened; Kevin Moore and Chris Lindstrom addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Waybright, second by Vault, to recommend **denial** of Z-26.

VOTE: **ADOPTED** 5-0

Mr. Beloin recognized Chairman Porter and thanked him for his service and leadership on the Planning Commission as this was his last hearing.

APPROVAL OF MINUTES

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

April 14, 2021 – Special Called Meeting/To Adopt Minutes

April 26, 2021 – Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED** 5-0

ADJOURNMENT

The hearing adjourned at 7:22 p.m.



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