

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
AUGUST 3, 2021
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, August 3, 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:

Fred Beloin - Chairman
Deborah Dance
Michael Hughes
Stephen Vault
Tony Waybright

CALL TO ORDER – CHAIRMAN BELOIN

Chairman Beloin called the hearing to order at 9:02 a.m., and Mr. John Pederson, Zoning Division Manager, reviewed the hearing procedures and announced the following cases which were *withdrawn or continued*.

WITHDRAWN OR CONTINUED CASES

Z-55 DAVID PEARSON COMMUNITIES, INC. (David Pearson, owner) requesting rezoning from **R-30** to **R-20** for a single-family residential subdivision in land lot 190 of the 20th district. Property is located on the north side of Collins Road, west of Garvin Road (Collins Road). **WITHDRAWN WITHOUT PREJUDICE**

SLUP-6 ST. BENEDICT'S EPISCOPAL SCHOOL (St. Benedict's Episcopal Church, LLC; St. Benedict's Episcopal Day School, Inc., owners) requesting a **Special Land Use Permit** for school trailers in land lots 694 and 695 of the 17th district. Property is located on the east side of Cooper Lake Road, on the west side of Atlanta Road; and property located on the west side of Cooper Lake Road, on the east side of Weaver Street (2160 Cooper Lake Road and 4295 Weaver Street). **WITHDRAWN WITHOUT PREJUDICE**

Z-33 MPINGO PROPERTIES, LLC (Raymond Lee Jordan, Jr.; Sarah C. Smith, owners) requesting rezoning from **RA-5** to **RM-8** for a townhome community in land lots 269 and 299 of the 19th district. Property is located on the southeast side of Factory Shoals Road, southeast of the terminus of Factory Shoals Drive (6475, 6443 Factory Shoals Road). **(Continued by Staff from the June 1, 2021, and July 6, 2021, Planning Commission (PC) hearings until the August 3, 2021, PC hearing.)**

Mr. Pederson presented the Applicant's request to withdraw Z-33 without prejudice; therefore, the following motion was made:

MOTION: Motion by Hughes, second by Dance, to **allow** Z-33 to be *withdrawn without prejudice*.

VOTE: **ADOPTED 5-0**

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WITHDRAWN OR CONTINUED CASES (CONT.)

Z-45 **B&R INVESTMENTS AND CONSTRUCTION, LLC** (Sherri Wilson Johnson, Lynn Wilson Annandale, Jeff Kwan and Christy Kwan, owners) requesting rezoning from **R-80** to **RSL** for residential senior living, supportive residential in land lot 463 of the 19th district. Property is located on the north side of Macland Road, and on the west side of Gus Robinson Road (2180 Gus Robinson Road, Macland Road). *(Continued by Staff until the August 3, 2021, Planning Commission hearing).*

Mr. Pederson presented the Applicant's request to withdraw Z-45 without prejudice; therefore, the following motion was made:

MOTION: Motion by Beloin, second by Hughes, to **allow** Z-45 to be *withdrawn without prejudice*.

VOTE: **ADOPTED 5-0**

Z-31 **PULTE HOME COMPANY** (Thomas M. Phillips and Betty A. Phillips, owners) requesting rezoning from **R-20** to **R-15/OSC** for a single-family residential subdivision in land lots 303, 304, 345, 346, and 347 of the 16th district. Property is located on the west side of Ebenezer Road, north of the intersection of Ebenezer Road and Blackwell Road (3801 Ebenezer Road). *(Previously continued by Staff until the July 6, 2021, Planning Commission (PC) hearing; held by the PC until the August 3, 2021, PC hearing; continued by Staff until the September 7, 2021, PC hearing; therefore, was not considered at this hearing).*

Z-56 **TRATON, LLC** (Calvert Investments, LLLP, owner) requesting rezoning from **LI** to **FST** for a townhome community in land lot 1216 of the 19th district. Property is located at the southern terminus of South Cobb School Road, the southern terminus of Linda Vista Drive, and the eastern terminus of Leila Street (South Cobb School Road). *(Continued by Staff until the September 7, 2021, Planning Commission hearing; therefore, was not considered at this hearing).*

Mr. Pederson announced that the Applicant for Z-25 (The Furniture and Mattress Warehouse LP), requested a continuance; however, Ms. Dance requested to hear the case. By general consensus, the Planning Commission agreed to hear Z-25 on the Regular Agenda (see page 8 of these minutes for the motion).

Z-44 **WINDSONG PROPERTIES** (Fortified Hills Baptist Church, Inc., owner) requesting rezoning from **R-30** to **RSL** for residential senior living, non-supportive residential in land lots 79 and 144 of the 19th district. Property is located on the north side of Dallas Highway, on the south side of Old Dallas Road, and west of Holland Road (Dallas Highway). *(Continued by Staff until the August 3, 2021, Planning Commission hearing).*

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WITHDRAWN OR CONTINUED CASES (CONT.)

Z-44 WINDSONG PROPERTIES (CONT.)

Mr. Pederson presented the Applicant's request to continue Z-44; therefore, the following motion was made:

MOTION: Motion by Beloin, second by Hughes, to **continue** Z-44 until the September 7, 2021, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

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.

Due to the number of people in attendance and the number of cases to be heard, Mr. Pederson announced that the Regular Agenda would be split up into a morning session, where cases Z-72²⁰, Z-23, Z-27, Z-28, and Z-38, would be heard; and an afternoon session (after 1:00 p.m.), where cases Z-39, Z-43, Z-48, SLUP-3, Z-51, Z-53, Z-54, Z-57, and Z-59, would be heard. It was determined later in the hearing that Z-25 was also to be heard during the morning session.

Prior to reading in the Consent Agenda, due to opposition being present for Z-52 (Glen Robinson Construction), Mr. Pederson announced that Z-52 would be pulled from the Consent Agenda and heard on the Regular Agenda in the afternoon in its numerical order (see page 14 of these minutes for the motion).

CONSENT AGENDA

MOTION: Motion by Vault, second by Hughes, to **approve** the Consent Agenda, *as revised*:

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CONSENT AGENDA (CONT.)

Upon reading Z-50 (Howard Young) into the record, opposition was present; therefore, Z-50 was pulled from the Consent Agenda to be heard on the Regular Agenda. Later in the hearing, the issues with Z-50 were resolved, and Z-50 was added back to the Consent Agenda (see page 9 of these minutes for the motion).

Z-58 **LINDA POWELL** (Linda Bates Powell, owner) requesting rezoning from **GC to NRC** for retail and office in land lot 277 of the 16th district. Property is located on the southeast side of Canton Road, at Hawkins Store Road (4016 Canton Road).

To recommend **approval** of Z-58 to the **NRC** zoning district, subject to:

- 1. Site Plan submitted on June 3, 2021 (on file in the Zoning Division), with the District Commissioner approving minor modifications**
- 2. For Neighborhood Retail and Professional Office use *only***
- 3. Removal of shed in the parking lot**
- 4. No outdoor storage or outdoor displays of merchandise**
- 5. Canton Road Design Guidelines apply upon redevelopment of the property**
- 6. Fire Department comments and recommendations**
- 7. Stormwater Management Division comments and recommendations**
- 8. Department of Transportation comments and recommendations**
- 9. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on August 17, 2021**

LUP-18 **BURNT HICKORY CHURCH OF CHRIST, INC.** (Burnt Hickory Church of Christ, Inc., owner) requesting a **Temporary Land Use Permit (Renewal)** for a daycare, preschool facility in land lot 291 of the 20th district. Property is located on the north side of Burnt Hickory Road, west of New Salem Road (2330 Burnt Hickory Road).

To recommend **approval** of LUP-18 for **24 months**, subject to:

- 1. Site Plan received by the Zoning Division on June 3, 2021 (on file in the Zoning Division), with District Commissioner approving minor modifications**
- 2. Daycare related banner sign to be no larger than three feet by five feet**
- 3. Department of Transportation comments and recommendations**
- 4. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on August 17, 2021**

CONSENT VOTE: ADOPTED 5-0

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REGULAR AGENDA

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 **LRO, NRC, and FST** for church, retail/restaurant, townhomes, and single family residential 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 from the April 6, 2021, and May 4, 2021, PC hearings until the June 1, 2021, PC hearing; continued by Staff until the July 6, 2021, PC hearing; held by the PC until the August 3, 2021 PC hearing).*

The public hearing was opened; Kevin Moore, Ruth Michels, Jill Flamm, Constance Ghosh, and David Rumrill addressed the Planning Commission. At the conclusion of the ten-minute time limit for the opposition. Mr. Waybright made the following motion to add extra time to allow for two additional speakers to speak.

MOTION: Motion by Waybright, second by Beloin, to allow two additional minutes for speakers (opposition and support) to speak.

VOTE: **ADOPTED 5-0**

Following the presentation and discussion, the following motion was made for Z-72'²⁰:

MOTION: Motion by Waybright, second by Vault, to recommend approval of Z-72'²⁰ to the **RA-6** zoning district, subject to:

1. ***Revised Site Plan, showing the adjusted frontage and lot size requirements, to be submitted to the Board of Commissioners (BOC) prior to the August 17, 2021, BOC Zoning hearing***
2. ***Letter of agreeable conditions from Kevin Moore dated July 28, 2021 (on file in the Zoning Division), with the following changes:***
 - A. ***Page 3, Item No. 3 – add: “Exterior lighting within the project shall be determined by the development of a photometric plan coordinated with Cobb County staff. North Point Ministries shall work with staff and a representative of adjacent properties to develop a lighting plan to minimize the spillage of excess light onto adjacent residential properties. The lighting plan shall include the***

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REGULAR AGENDA (CONT.)

Z-72²⁰

NORTH POINT MINISTRIES, INC. (CONT.)

use of the following devices: Timers on non-essential security lights to turn off at 10:00 p.m. and baffles on security lights. No flood lights shall be installed and all exterior lights shall be on timers. Decorative wash lights that shine on the building façade is not considered a flood light.”

- B. Page 7, Item No. 15 – add: *“There shall be a Landscape Committee with three representatives from the community that will review and establish the Landscape Plan before it is presented to the County Arborist. Final approval by the District Commissioner.”*
 - C. Page 8, under *Stipulations For Overall Development*, Item No. 1 – revised to read: *“... may be approved by the District Commissioner, as needed or necessary, or returned to the Board of Commissioners as an Other Business Item, as necessary, except for those that:...”*
This stipulation shall take precedence over any other language or stipulation as it relates to changes.
 - D. Page 8, Item No. 4, subset (c) – delete the words, *“with drive-thru”*; drive-thru specifically excluded
- 3. For the Linear park area:
 - A. Add at least one pavilion, minimum size of 14 feet by 20 feet to accommodate four picnic tables
 - B. Add at least one gazebo, minimum size of 12 feet in diameter, with interior benches
 - C. There should be benches along the walking trail, similar to those installed along Shallowford Road and Johnson Ferry Road
 - D. There should be streetlights along the walking trail, similar to the interior streets
 - 4. For all *exits* from the church property, including the driveway with the *proposed* three-way stop, signs shall be posted indicating “No Right Turn on Sunday mornings, 9:00 a.m. until 1:00 p.m.”
 - 5. Sidewalks shall be required and provided on one side of all interior roads
 - 6. The fence along the south side of the creek/detainment area - the *proposed* fence shall be moved back to the 50-foot line marking the area of non-disturbance
 - 7. The fence along both sides of the detainment area - all fences shall be wrought iron or similar decorative metal fencing style; no chain-link or board fences should be used in that area
 - 8. Walls and fences along Shallowford Road shall be brick or brick-faced similar in design to those along Johnson Ferry Road or a wrought iron style or similar decorative style of metal fencing used in the stream and stormwater area
 - 9. Maximum of 129 units

REGULAR AGENDA (CONT.)

Z-72'²⁰

NORTH POINT MINISTRIES, INC. (CONT.)

10. Maximum of 5.82 units per acre for the overall residential development
11. In the event that floodplain or any other areas are noted that reduce the acreage that may be counted for density, the number of units shall be reduced, and that reduction shall come from the townhome units
12. For the townhomes, construction and use shall conform to RA-6, not in contradiction to the following:
 - A. Maximum height of 35 feet
 - B. Maximum of two stories; attic may be finished for bonus space
 - C. 26-foot minimum width of building of units
 - D. Minimum size home will be 2,000 square feet up to 3,500 square feet
 - E. Elevators shall be offered as an upgrade at the time of sale
 - F. Patios shall be allowed; no decks shall be allowed but may have a landing with steps down to a patio
 - G. 50% brick and stone façade and rears that face Johnson Ferry Road
 - H. Decorative walls along Johnson Ferry Road shall be brick or brick-faced and similar in design to those pictured in the presented street scape (on file in the Zoning Division)
13. For the single-family detached homes, construction and use shall conform to RA-6, not in contradiction to the following:
 - A. Minimum side setback of 5 feet but a minimum of 15 feet between structures
 - B. Minimum lot width of 45 feet on the frontage
 - C. Minimum size home will be 2,200 square feet up to 3,500 square feet
 - D. Elevators shall be offered as an upgrade at the time of sale
 - E. Patios shall be allowed; no decks shall be allowed but may have a landing with steps down to a patio
14. For the single family residential, there shall be a maximum impervious surface of 45% per each lot on the detached homes and 45% impervious surface for the overall residential development
15. All of the added stipulations shall take precedence over the Site Plan or the stipulation letter
16. A maximum cap on rental units should be written into the Home Owners Association (HOA) covenant; maximum of 10% units may be rented at any one time
17. Staff comments and recommendations, *not in conflict with the added stipulations*

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REGULAR AGENDA (CONT.)

Z-72'²⁰ NORTH POINT MINISTRIES, INC. (CONT.)

Prior to the vote, Chairman Beloin requested the following amendment to Mr. Waybright's motion:

MOTION: Motion by Beloin, second by Dance, to amend the motion for Z-72'²⁰, to include the following stipulation:

18. To restrict the overall density, to a total not to exceed five units per acre, including the townhome area; that would be exclusive of any floodplain or of any stream buffers as determined by the Corps of Engineers

VOTE: FAILED 2-3, Waybright, Hughes, and Vault opposed

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

Chairman Beloin called for a brief recess from 10:46 a.m. until 11:00 a.m.

Following the recess, Mr. Pederson requested that Z-25 (The Furniture and Mattress Warehouse LP) be moved up on the agenda to be heard next. Originally, the Applicant for Z-25 requested a continuance, but there was opposition present that wanted to make some comments. Mr. Pederson read Z-25 into the record and then the Applicant and opposition for Z-25 addressed the Planning Commission.

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). *(Previously held by the Planning Commission (PC) from the May 4, 2021, and June 1, 2021, PC hearings until the July 6, 2021, PC hearing; continued by the PC until the August 3, 2021, PC hearing).*

Brad Russell, the Applicant for Z-25, requested a continuance. With agreement from the opposition (Evan DeYoung), the following motion was made:

MOTION: Motion by Dance, second by Hughes, to continue Z-25 to the September 7, 2021, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 5-0

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REGULAR AGENDA (CONT.)

Mr. Pederson announced that the opposition for Consent case Z-50 (Howard Young) was no longer opposed to the case. Therefore, Mr. Pederson read Z-50 back into the record, and then the motion was made to approve Z-50 and add it back to the Consent Agenda.

Z-50 HOWARD YOUNG (Howard Young and Louise W. Young, owner) requesting rezoning from **GC** to **R-20** for a single-family residence in land lot 865 of the 19th district. Property is located on the west side of Cedar Drive, south of Powder Springs Road (3806 Cedar Drive).

To recommend approval of Z-50 to the R-20 zoning district, subject to:

- 1. Variance for the existing conditions *only*, as mentioned in the Zoning Staff comments**
- 2. Stormwater Management Division comments and recommendations**
- 3. Department of Transportation comments and recommendations**

MOTION: Motion by Hughes, second by Vault, to **approve** Z-50 and to **add** Z-50 back to the Consent Agenda as previously read in by Mr. Pederson.

VOTE: **ADOPTED 5-0**

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). *(Previously continued by the Planning Commission (PC) from the May 4, 2021, PC hearing until the June 1, 2021 PC hearing; continued by Staff from the June 1, 2021, and July 6, 2021, PC hearings until the August 3, 2021, PC hearing).*

The public hearing was opened; Garvis L. Sams, Jr. and Robin Meyer addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Waybright, to **hold** Z-23 until the September 7, 2021, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

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REGULAR AGENDA (CONT.)

Z-27 **KCG DEVELOPMENT, LLC** (Lester C. Wiley, owner) requesting rezoning from **R-20** to **RM-12** for residential multi-family 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). *(Previously continued by Staff until June 1, 2021, Planning Commission (PC) hearing; held by the PC until the July 6, 2021, PC hearing; continued by PC until the August 3, 2021, PC hearing).*

The public hearing was opened; Ellen Smith, Lisa Dillman, Amy Campos, Travis McComb, and Allen Rodi addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Waybright, to recommend **denial** of Z-27.

VOTE: **ADOPTED** 5-0

Z-28 **PRESTWICK DEVELOPMENT COMPANY, LLC** (Bobby Coleman and Paul Coleman, as Joint Tenants with Rights of Survivorship; CP 4900 Floyd, LLC, owners) requesting rezoning from **R-20** and **NRC** to **RM-12** for multi-family residential with retail in land lots 31 and 32 of the 17th district. Property is located on the south side of White Boulevard, on the west side of Floyd Road, at the terminus of Nickajack Road, and at the terminus of Green Valley Road (4900 Floyd Road, 4915 White Boulevard). *(Continued by Staff until the July 6, 2021, Planning Commission (PC) hearing; held by the PC until the August 3, 2021, PC hearing).*

The public hearing was opened; Garvis L. Sams, Jr., Robin Meyer, Chuck Young, and Travis McComb addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Dance, to recommend **approval** of Z-28 to the **RM-12** zoning district, subject to:

- 1. Letter of agreeable conditions from Garvis L. Sams, Jr. dated June 24, 2021 (on file in the Zoning Division)**
- 2. Green Valley Road is to be used as an emergency access road *only***
- 3. Staff comments and recommendations**

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

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REGULAR AGENDA (CONT.)

Z-38 WINDSONG PROPERTIES (Ronald H. Mulkey and Lisa L. Mulkey, owners) requesting rezoning from **R-30** to **RSL** for residential senior living, non-supportive residential in land lots 179 and 180 of the 20th district. Property is located on the south side of Ellis Road, on the east side of Mack Dobbs Road, southeast of the intersection of Ellis Road and Mack Dobbs Road (3180 Ellis Road). *(Continued by Staff until the July 6, 2021, Planning Commission (PC) hearing; held by the PC until the August 3, 2021, PC hearing).*

The public hearing was opened; Garvis L Sams, Jr., Sharon Cobb, and Don Bergwall addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Waybright, to **hold** Z-38 until the September 7, 2021, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

Chairman Beloin called for a lunch recess at 1:15 p.m. The hearing reconvened at 2:15 p.m.

Z-57 STACEY BAGWELL (Leonard M. Spencer, Jr., owner) requesting rezoning from **R-20** to **PVC** for a mixed-use development in land lot 629 of the 19th district. Property is located on the northeast side of East Callaway Road, south of Austell Road (1028 East Callaway Road).

Mr. Pederson presented the Applicant's request for a continuance; thereafter, the following motion was made:

MOTION: Motion by Hughes, second by Vault, to **continue** Z-57 until the September 7, 2021, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

By general consensus, Z-43 (Del Lago Ventures, Inc) and Z-59 (Pickett's Mill, LLC) were moved up on the agenda and heard next.

Z-43 DEL LAGO VENTURES, INC (4204, LLC, owner) requesting rezoning from **NS** and **R-30** to **NRC** for commercial, inter-parcel access in land lots 40, 41, and 75 of the 20th district. Property is located on the east side of Dallas Acworth Highway, south of Cobb Parkway (4204 Dallas Acworth Highway). *(Held by the Planning Commission (PC) until the August 3, 2021, PC hearing).*

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REGULAR AGENDA (CONT.)

Z-43 DEL LAGO VENTURES, INC (CONT.)

The public hearing was opened, and Parks Huff 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 Z-43 to the NRC zoning district, subject to:

- 1. No ingress or egress by the state road until such time as a specific Site Plan is presented in that regard**
- 2. *Proposed use* would be a produce stand not to exceed 10 feet by 20 feet on the site**
- 3. Applicant is required to construct a three-foot landscape or environmental buffer on the western boundary of this property**

VOTE: **ADOPTED 5-0**

Z-59 PICKETT'S MILL, LLC (Gary Tillman and Allen Kennedy, owner)
requesting rezoning from NRC to LI for office and specialized van storage in land lot 299 of the 17th district. Property is located on the west side of Old Concord Road, and on the southeastern side of Clay Drive (1868 Old Concord Road).

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

MOTION: Motion by Dance, second by Vault, to recommend **deletion** of Z-59 to the NRC zoning district, subject to:

- 1. Letter of agreeable conditions from Parks Huff dated July 28, 2021 (on file in the Zoning Division), with the following changes:**
 - A. Item No. 1 – strike in its entirety and replace with: *“The property will be deleted to NRC with specialty contractor as an additional use. Other uses will be subject to the approval of the District Commissioner.”***
 - B. Add Item No. 8 – add to read: *“The Applicant will further comply with all Final Zoning Staff Recommendations, with the exception of Item 7. As to Item 7, the word ‘striped’ shall be stricken.”***
- 2. Inclusion on the Consent Agenda for the Board of Commissioners’ Zoning Hearing on August 17, 2021**

VOTE: **ADOPTED 5-0**

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REGULAR AGENDA (CONT.)

Z-39 **CHUCK OWUZO** (Chukwuma Chuck Owuzo, owner) requesting rezoning from **R-30** to **R-15** for a single-family residential subdivision in land lots 276 and 277 of the 19th district. Property is located on the west side of Friendship Church Road, on the south side of Friendship Church Lane (Friendship Church Road). *(Continued by Staff until the July 6, 2021, Planning Commission (PC) hearing; held by the PC until the August 3, 2021, PC hearing).*

The Applicant presented the request to withdraw Z-39; thereafter, the following motion was made:

MOTION: Motion by Beloin, second by Vault, to **allow** Z-39 to be *withdrawn without prejudice*.

VOTE: **ADOPTED 5-0**

By general consensus, companion cases, Z-48 and SLUP-3 (Ray Murphy), were considered and voted on concurrently.

Z-48 **RAY MURPHY** (Ray Murphy, owner) requesting rezoning from **GC** to **LI** for a towing and automotive wrecker service in land lots 154 and 155 of the 17th district. Property is located on the northwest side of Austell Road, at the terminus of Austell Circle (1818, 1830 Austell Road). *(Previously continued by Staff from the June 1, 2021, Planning Commission (PC) hearing until the July 6, 2021, PC hearing; continued by the PC from the July 6, 2021, PC hearing until the August 3, 2021, PC hearing).*

SLUP-3 **RAY MURPHY** (Ray Murphy, owner) requesting a **Special Land Use Permit** for a towing and automotive wrecker service in land lots 154 and 155 of the 17th district. Property is located on the northwest side of Austell Road, at the terminus of Austell Circle (1818, 1830 Austell Road). *(Previously continued by Staff from the June 1, 2021, Planning Commission (PC) hearing until the July 6, 2021, PC hearing; continued by the PC from the July 6, 2021, PC hearing until the August 3, 2021, PC hearing).*

The public hearing was opened, and Vickie Murphy Norris addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Dance, to **hold** Z-48 and SLUP-3 until the November 2, 2021, Planning Commission Zoning Hearing, subject to:

- 1. Applicant to remove as many cars as possible from the property within 90 days or less**

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REGULAR AGENDA (CONT.)

**Z-48 &
SLUP-3 RAY MURPHY (CONT.)**

- 2. Applicant to report back every 15 days to Community Development on the status of actions taken and improvements made to clean up this property; if there is a failure to give notice or if there is no improvement, then Community Development can move this case up on the calendar rather than wait the full 90 days; assessment will be made in 30 days (9-3-2021), and if progress is being made then the full 90 days will be given**

VOTE: ADOPTED 5-0

Z-51 QUIKTRIP CORPORATION, MICHAEL S. BURK (Louise G. Howard Family Investments, L.P., owner) requesting rezoning from **TS** and **R-20** to **NRC** for a convenience store with fuel and retail sales in land lots 754 and 759 of the 17th district. Property is located on the southwest side of South Cobb Drive, on the northwest side of River View Road, and on the north side of Manor Road (5322 South Cobb Drive; 2273, 2259 River View Road).

The public hearing was opened; Richard Calhoun, Katelyn DeRuyter, and Robin Meyer addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Dance, to recommend **denial** of Z-51.

VOTE: ADOPTED 5-0

Chairman Beloin called for a brief recess from 3:54 p.m. until 4:05 p.m.

Chairman Beloin thanked Mr. Waybright for his service on the Planning Commission as this was his last hearing serving on the Planning Commission.

Z-52 GLEN ROBINSON CONSTRUCTION (Glen Robinson Construction, LLC, Glen Robinson, Glen P. Robinson, owner) requesting rezoning from **R-20, TS, NS, and LI** to **TS** for baseball and softball related retail sales, warehousing and light manufacturing in land lots 221 and 284 of the 17th district. Property is located on the north side of Carruth Drive, on the east side of South Cobb Drive (133, 148, 149, 152 Carruth Drive).

The public hearing was opened; Sterling Pace, Glen Robinson, Paula Parmalee, Garland Turvey, Jerry Wardlaw, and Bryan Juarez addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

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REGULAR AGENDA (CONT.)

Z-52 GLEN ROBINSON CONSTRUCTION (CONT.)

MOTION: Motion by Dance, second by Hughes, to recommend **approval** of Z-52 to the **NRC** zoning district, subject to:

1. **Site Plan received July 12, 2021 (on file in the Zoning Division), with the District Commissioner approving minor modifications**
2. **Stormwater Management Division comments and recommendations**
3. **Fire Department comments and recommendations**
4. **Department of Transportation comments and recommendations**
5. **No outdoor storage**
6. **Landscaping to be approved by the County Arborist**
7. **Applicant to consider paving the road across the street (existing building location) when completing the proposed building project**

Prior to the vote, discussion ensued, and then Chairman Beloin made the following motion to amend the motion for Z-52 to include an additional stipulation addressing hours of operation.

MOTION: Motion by Beloin, second by Hughes, to **amend** the motion for Z-52 to include the following stipulation:

8. **Require that all deliveries and pick-ups are to occur *only* during the stated hours of operation which are the following:**

Monday through Friday, 9:00 a.m. to 7:00 p.m.

Saturday, 10:00 a.m. to 7:00 p.m.

Sunday, 10:00 a.m. to 6:00 p.m.

AMENDED MOTION VOTE: **ADOPTED** 5-0

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

Z-53 QUINTUS DEVELOPMENT L.P. (The George A. Montgomery Grantor Trust, owner) requesting rezoning from **GC** to **RRC** for a multifamily residential community in land lots 717 and 724 of the 16th district. Property is located at the terminus of Roberts Court, west of I-575, east of I-75 (unaddressed parcels).

The public hearing was opened; Garvis L. Sams, Joanne Trivett, and Travis McComb addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Dance, second by Vault, to **hold** Z-53 until the September 7, 2021, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 5-0

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REGULAR AGENDA (CONT.)

Z-54 **CHUCK OWUZO** (Chukwuma Chuck Owuzo, owner) requesting rezoning from **PSC** to **RM-8** and **NRC** for a townhome community and retail in land lots 621, 638, and 639 of the 19th district. Property is located on the east side of Powder Springs Road, on the northeast side of Pair Road (Powder Springs Road).

The public hearing was opened; Chuck Owuzo, Vicki Williams, and Charlotte Perry addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Vault, to **hold** Z-54 until the September 7, 2021, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

APPROVAL OF MINUTES

MOTION: Motion by Vault, second by Hughes, to **approve** the following minutes, *as submitted*:

July 6, 2021 – Planning Commission Zoning Hearing

VOTE: **ADOPTED 5-0**

MOTION: Motion by Vault, second by Hughes, to **approve** the following minutes, *as submitted*:

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

VOTE: **ADOPTED 5-0**

The hearing adjourned at 6:07 p.m.



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