

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
SEPTEMBER 7, 2021
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, September 7, 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
David Anderson
Deborah Dance
Michael Hughes
Stephen Vault

CALL TO ORDER – CHAIRMAN BELOIN

Chairman Beloin called the hearing to order at 9:03 a.m. and introduced David Anderson, who replaced Tony Waybright, as Commissioner Richardson's District 2 appointee for the Planning Commission.

Mr. John Pederson, Zoning Division Manager, reviewed the hearing procedures and announced the following cases which were *held, continued, or withdrawn*.

HELD, CONTINUED, AND WITHDRAWN CASES

- 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 from the July 6, 2021, and August 3, 2021, PC hearings until the September 7, 2021, PC hearing; continued by Staff until the October 5, 2021, PC hearing; therefore, was not considered at this hearing).*
- 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). *(Previously continued by Staff from the July 6, 2021 through the September 7, 2021, PC hearings until the October 5, 2021, PC hearing; therefore, was not considered at this hearing).*

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HELD, CONTINUED, AND WITHDRAWN CASES (CONT.)

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 the Planning Commission (PC) until the August 3, 2021, PC hearing; held by the PC until the November 2, 2021, PC hearing; therefore, was not considered at this hearing).*

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). *(Previously continued by the Planning Commission (PC) until the September 7, 2021, PC hearing; continued by Staff until the October 5, 2021, PC hearing; therefore, was not considered at this hearing).*

Z-63 **WOODFIELD ACQUISITIONS, LLC** (RB Properties, LLC, owner) requesting rezoning from **O&I** to **RRC** for a multifamily residential community in land lots 883 and 884 of the 17th district. Property is located on the northwest side of Cumberland Club Drive, and north of Mount Wilkinson Parkway (3290 Cumberland Club Drive). *(Continued by Staff from the September 7, 2021, Planning Commission (PC) hearing).*

Mr. Pederson presented the Applicant's request to withdraw Z-63 without prejudice; thereafter, the following motion was made:

MOTION: Motion by Anderson, second by Dance, to allow Z-63 to be *withdrawn without prejudice.*

VOTE: **ADOPTED 5-0**

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; held by the PC from the August 3, 2021, PC hearing until the November 2, 2021, PC hearing; therefore, was not considered at this hearing).*

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HELD, CONTINUED, AND WITHDRAWN CASES (CONT.)

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).*

Mr. Pederson presented the Applicant's request to continue Z-56; therefore, the following motion was made:

MOTION: Motion by Hughes, second by Dance, to **continue** Z-56 until the October 5, 2021, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 5-0

Z-62 **PERIMETER CONSTRUCTION GROUP, LLC** (Mrs. Burma B. Brumbelow, owner) requesting rezoning from **R-30** to **R-20** for a single-family residential subdivision in land lot 586 of the 19th district. Property is located on the north side of Moon Road, and west of Florence Road (5500 Moon Road).

Mr. Pederson presented the Applicant's request to continue Z-62; therefore, the following motion was made:

MOTION: Motion by Hughes, second by Dance, to **continue** Z-62 until the October 5, 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.

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 Vault, second by Hughes, to **approve** the Consent Agenda, *as presented*:

LUP-20 **THIAGO SANTOS** (Thiago Santos and Kellyta Santos, owner) requesting a **Temporary Land Use Permit** for outdoor photography in land lots 103 and 126 of the 20th district. Property is located on the north side of Old 41 Highway, west of Kimberly Road (3178 Old 41 Highway).

To recommend **approval** of LUP-20 for **24 months**, subject to:

1. **Final Site Plan submitted on June 29, 2021 (on file in the Zoning Division)**
2. **Maximum of two employees**
3. **One sign up to six square feet**
4. **Clients by appointment *only*, with the maximum of three clients per day**
5. **Fire Department comments and recommendations**
6. **Department of Transportation comments and recommendations**
7. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on September 21, 2021**

LPSP-2 **MARGARITA ZAZUETA** (Mark Vizcarra and Margarita Zazueta, owner) requesting a **Limited Professional Services Permit** for a beauty salon in land lot 231 of the 17th district. Property is located on the south side of Windy Hill Road and on the west side of Charles Rogers Road (332 Windy Hill Road).

To recommend **approval** of the **LPSP-2**, subject to:

1. **Site Plan received by the Zoning Division on June 9, 2021 (on file in the Zoning Division)**
2. **Approval is for this *use (beauty salon)*, and this Applicant *only***
3. **Hours of operation from 8 a.m. to 8 p.m.**
4. **Maximum of two employees**
5. **Business *only* to be conducted in the house facing Windy Hill Road**
6. **One sign up to 20 square feet along Windy Hill Road frontage**
7. **Applicant to reside in home facing Charles Rogers Road**
8. **All Staff comments and recommendations, *not otherwise in conflict***
9. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on September 21, 2021**

CONSENT VOTE: **ADOPTED 5-0**

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REGULAR AGENDA

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; held by the PC until the September 7, 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 Dance, to recommend **deletion** of Z-23 to the **NRC** zoning district, subject to:

1. **Final Site Plan, elevations, and selection of paint to be approved by the District Commissioner**
2. **Letter of agreeable conditions from Garvis L. Sams, Jr. dated August 30, 2021 (on file in the Zoning Division), with the following changes:**
 - A. **Item No. 4, subset g – delete second sentence**
 - B. **Item No. 6 – revised to read: “Portions of the Subject Property consist of three (3) tracts with frontage on Old Powder Springs Road which will be subject to the stipulations and conditions contained herein only to the extent that said property will be rezoned to NRC with the requirement that this portion of the property be restricted to church related activities. No new structures or parking facilities can be built without approval by the Board of Commissioners through a rezoning application or Other Business item.”**
 - C. **Item No. 9, third paragraph – add sentence: “The revised site plan should reflect a 20-foot buffer along the entire western boundary of the subject area.”**
 - D. **Item No. 10, first sentence – after the word, “dumpster” add the word, “enclosure”**
3. **Adherence to Mableton Parkway & Veterans Memorial Highway Design Guidelines**
4. **Applicant to meet required parking**
5. **Stormwater Management Division comments and recommendations**
6. **Department of Transportation comments and recommendations**

VOTE: ADOPTED 5-0

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REGULAR AGENDA (CONT.)

Due to technical issues, Chairman Beloin called for a brief recess from 9:45 a.m. until 9:55 a.m.

Prior to opening the public hearing for Z-31 (Pulte Home Company), Mr. Pederson announced that due to a scheduling conflict, the Applicant for LUP-19 (Linda Kennedy) requested that LUP-19 be moved up on the agenda and heard after Z-31. The Planning Commission was agreeable with the request; thereafter, the following motion was made:

MOTION: Motion by Vault, second by Hughes, to **move** LUP-19 up on the agenda to be heard after Z-31.

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 from the June 1, 2021, Planning Commission (PC) hearing until the July 6, 2021, PC hearing; held by the PC from the July 6, 2021, PC hearing until the August 3, 2021, PC hearing; continued by Staff from the August 3, 2021, PC hearing until the September 7, 2021, PC hearing).*

The public hearing was opened; Rob Hosack, John Stuetzer, Chris Lindstrom, and Veronica Lilly addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Dance, second by Hughes, to recommend **approval** of Z-31 to the **R-15/OSC** zoning district, subject to:

1. **Applicant to maintain both lakes in perpetuity with specific Home Owner/other regulatory documents in perpetuity, if the matter is approved by the Board of Commissioners**
 - A. **Funds to be designated for the maintenance of the facilities**
 - B. **Existing pond to be maintained and the required buffers be met**
 - C. **Applicant to communicate directly with Autumn Ridge regarding the secondary pond and engage in follow-up discussions with Stormwater to ensure that the Autumn Ridge pond is maintained in perpetuity**
2. **Regarding Department of Transportation (DOT) comments and recommendations, offset of driveways must be addressed by the Applicant satisfactorily to ensure proper alignment**

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REGULAR AGENDA (CONT.)

Z-31 PULTE HOME COMPANY (CONT.)

3. All lots to be a minimum of 10,000 square feet, with the provision that lot 1 through lot 18 (lots along Ebenezer Road) have an increased average lot area; the Applicant is directed to explore further separation of houses on the perimeter of property at Ebenezer Road
4. Applicant to submit elevations and the viewshed in the interest of its Open Space Community Concept
5. Applicant to consider four-sided architecture on Ebenezer
6. Applicant to designate a minimum height of four feet at berm on Ebenezer, *except* where Public Safety considerations might forestall or indicate that the same would not be appropriate
7. Applicant to participate in landscape screening at the Arborist review, with final approval by the District Commissioner
8. Applicant to provide for an irrigation system as recommended by the Citizen group
9. Applicant's plan should provide sidewalks and guest parking to be distributed evenly throughout the development with earmark spaces at the mail kiosk
10. Applicant to consider possible lot size increases and reduction of density; the additional green space has been added in lieu of lot size increases along Ebenezer Road
11. All Staff comments and recommendations

VOTE: **ADOPTED** 3-2, Beloin and Anderson opposed

LUP-19 LINDA KENNEDY (Linda Kennedy, owner) requesting a **Temporary Land Use Permit** for a grooming, boarding, daycare, and bakery in land lot 40 of the 20th district. Property is located on the southeast side of Cedarcrest Road, and northeast of Governors Towne Drive (6179 Cedarcrest Road).

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

MOTION: Motion by Beloin, second by Dance, to **hold** LUP-19 until the October 5, 2021, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 5-0

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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). *(Previously continued by Staff until the July 6, 2021, Planning Commission (PC) hearing; held by the PC from the July 6, 2021, and August 3, 2021, PC hearings until the September 7, 2021, PC hearing).*

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

MOTION: Motion by Beloin, second by Vault, to **hold** Z-38 until the October 5, 2021, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

Chairman Beloin called for a lunch recess at 12:28 p.m. The hearing reconvened at 1:32 p.m.

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). *(Held by the Planning Commission (PC) until the September 7, 2021, PC hearing).*

The public hearing was opened; Garvis L. Sams, Jr., 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 Hughes, to recommend **approval** of Z-53 to the **RRC** zoning district, subject to:

1. Letter of agreeable conditions from Garvis L. Sams, Jr. dated July 21, 2021 (on file in the Zoning Division)
2. Determination of the feasibility of projects to address the dual access requirement; to be ascertained prior to the September 17, 2021 Board of Commissioners' Zoning Hearing
3. Specified sound attenuation requirements; including how many trees might be saved with respect to this project

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REGULAR AGENDA (CONT.)

Z-53 QUINTUS DEVELOPMENT L.P. (CONT.)

- 4. Inclusive of this discussion about an FAA Airspace Study**
- 5. All Staff comments and recommendations**

VOTE: **ADOPTED 5-0**

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 and Charlotte Perry addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Dance, to **hold** Z-54 until the October 5, 2021, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

Z-60 TLM REALTY (Austell, GA Center LLC, owner) requesting rezoning from **PSC** and **PVC** to **PVC** for a mixed-use development in land lot 855 of the 19th district. Property is located on the southwest side of Hurt Road, the southeast side of Austell Road, on the east side of Brookwood Drive, and on the west side of Floyd Road (Brookwood Drive, 3753 Austell Road).

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

MOTION: Motion by Hughes, second by Anderson, to **hold** Z-60 until the October 5, 2021, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

Chairman Beloin called for a brief recess from 3:03 p.m. until 3:14 p.m.

By general consensus, companion cases Z-61 and SLUP-7 (Bluetiger Properties, LLC) were heard and voted on concurrently.

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REGULAR AGENDA (CONT.)

Chairman Beloin announced that Mr. Vault was recusing himself from Z-61 and SLUP-7.

Z-61 **BLUETIGER PROPERTIES, LLC** (Wellstar Health System, Inc., owner) requesting rezoning from **O&I** to **O&I** for a climate controlled self-storage facility in land lot 224 of the 20th district. Property is located on the north side of Stilesboro Road, and on the east side of Dennis Kemp Lane (Stilesboro Road).

SLUP-7 **BLUETIGER PROPERTIES, LLC** (Wellstar Health System, Inc., owner) requesting a **Special Land Use Permit** for a climate controlled self-storage facility in land lot 224 of the 20th district. Property is located on the north side of Stilesboro Road, and on the east side of Dennis Kemp Lane (Stilesboro Road).

The public hearing was opened; Garvis L. Sams, Jr., Bill Clements, Joanne Shaw, and Blair Bond addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Dance, to **hold** Z-61 and SLUP-7 until the October 5, 2021, Planning Commission Zoning Hearing.

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

APPROVAL OF MINUTES

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

August 3, 2021 – Planning Commission Zoning Hearing

VOTE: **ADOPTED** 5-0

MOTION: Motion by Dance, second by Anderson, to **approve** the following minutes, *as submitted*:

August 30, 2021 – Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED** 5-0

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ADJOURNMENT

MOTION: Motion by Vault, second by Hughes, to **adjourn** the hearing.

VOTE: **ADOPTED** 5-0

The hearing adjourned at 4:04 p.m.



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