

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
OCTOBER 5, 2021
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, October 5, 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 – left the hearing at lunch
David Anderson
Deborah Dance
Michael Hughes
Stephen Vault – via WebEx at 9:07 a.m. and left the hearing at 11:00 a.m.

CALL TO ORDER – CHAIRMAN BELOIN

Chairman Beloin called the hearing to order at 9:03 a.m.

Mr. Brian Johnson, Senior Associate County Attorney, read the following into the record regarding allowing virtual participation at this Planning Commission (PC) hearing:

“Since the County is under a State of Emergency regarding COVID restrictions, part of that emergency declaration authorizes this Planning Commission to allow for virtual participation by the citizens at the Planning Commission public hearings. The Planning Commission must approve of this before virtual participation is allowed.

The current State of Emergency expires on October 17, 2021. In the event that the State of Emergency is extended for another 30 days, it is recommended that the Planning Commission continue to authorize virtual participation via the following changes to the Planning Commission Rules of Procedure:

- 1. Staff and citizens be allowed to participate in the meeting virtually;*
- 2. Planning Commission members can vote by voice or by hand-signal (if necessary);*
- 3. Persons wishing to be counted as either in favor or in opposition to an application will be recognized; the number of persons will be provided to the Planning Commission;*
- 4. Persons who wish to speak virtually in favor or in opposition to an application will identify themselves accordingly to Information Services (IS) technical staff for participation during the presentation of the application;*
- 5. Persons who speak virtually will acknowledge and affirm that this is his or her testimony before the Planning Commission and is under oath or affirmed to be truthful.*

Otherwise, all other Planning Commission Zoning Hearing Procedures will apply; and

- 6. To allow Planning Commission members to participate virtually, as well, if necessary.”*

MOTION: Motion by Dance, second by Hughes, to **approve** the changes to the Planning Commission Rules of Procedure as set forth by the County Attorney’s office.

VOTE: **ADOPTED** 4-0, Vault not present (present on WebEx after the vote)

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

HELD, CONTINUED, AND WITHDRAWN CASES

- 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).* **WITHDRAWN WITHOUT PREJUDICE**
- 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; continued by Staff until the November 2, 2021, PC hearing; therefore, was not considered at this hearing).*
- 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-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). *(Previously continued by the Planning Commission (PC) until the October 5, 2021, PC hearing; continued by Staff 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-68** **TIFFANY GRAY** (TAMG Realty, Inc., owner) requesting rezoning from **R-20** to **FST** for a townhome community in land lot 1145 of the 19th district. Property is located on the east side of Brookwood Drive, north and south of the intersection of Virgil Lane, at the terminus of Bellemeade Circle, and the west side of Glore Road (Brookwood Drive). *(Continued by Staff until the November 2, 2021, Planning Commission hearing; therefore, was not considered at this hearing).*
- Z-69** **CONNELLY LAND GROUP, LLC** (Shares Holding, L.L.C.; SH/Stroud Road, LLC; Bennett Hutchinson, IV, owner) requesting rezoning from **R-15** and **R-20** to **RA-6** for a single-family subdivision in land lots 391 and 392 of the 18th district. Property is located on the north side of Hunnicut Road, on the east side of Rioca Circle, northeast of Mableton Parkway (245, 309, 335 Hunnicut Road). *(Continued by Staff until the November 2, 2021, Planning Commission hearing; therefore, was not considered at this 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; 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).*

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 Dance, second by Hughes, to **approve** the Consent Agenda, *as revised by the removal of Z-65 and Z-71:*

Mr. Pederson announced that Z-65 (Habitat for Humanity of Northwest Metro Atlanta, Inc) would be pulled off the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 12 of these minutes).

Z-66 PRAISE HARVEST COMMUNITY CHURCH (James G. Hornsby and Virginia A. Hornsby, owners) requesting rezoning from **NS** to **NRC** for a church in land lot 61 of the 16th district. Property is located on the north side of Jamerson Road, west of Canton Road (881 Jamerson Road).

To recommend **approval** of Z-66 to the **NRC** zoning district, subject to:

1. **Site Plan received by Zoning Division on August 3, 2021, with the District Commissioner approving minor modifications (on file in the Zoning Division)**
2. **30-foot undisturbed buffer along northern property line (per 1985 stipulations)**
3. **Applicant to maintain shared parking agreements (on file in the Zoning Division)**
4. **Stormwater Management 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 October 19, 2021**

Z-67 SHADCO-USA, LLC (Shadco-USA, L.L.C., owner) requesting rezoning from **LRO** to **NRC** for a restaurant and office in land lot 776 of the 16th district. Property is located on the east side of Scufflegrit Road, south of Sandy Plains Road (1830 Scufflegrit Road).

To recommend **approval** of Z-67 to the **NRC** zoning district, subject to:

1. **Site Plan received by the Zoning Division on August 4, 2021, with the District Commissioner approving minor modifications (on file in the Zoning Division)**
2. **Property to be used for Neighborhood Retail Uses**
3. **Building exterior to remain the same with any changes to be approved by the District Commissioner**
4. **Owner/Applicant to maintain the 20-foot buffer area adjacent to all residentially zoned property**
5. **Fire Department comments and recommendations**
6. **Stormwater Management Division comments and recommendations**

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CONSENT AGENDA (CONT.)

Z-67 SHADCO-USA, LLC (CONT.)

- 7. Department of Transportation comments and recommendations**
- 8. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on October 19, 2021**

At the call for Z-71 (Randall Brothers, LLC), opposition was present; therefore, Z-71 was pulled off the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 13 of these minutes).

Prior to the Consent Vote, Ms. Dance requested that Z-64 and SLUP-8 (Bentley Commercial Properties, LLC) be added to the Consent Agenda; however, due to opposition being present for those cases, Z-64 and SLUP-8 remained on the Regular Agenda.

CONSENT VOTE: **ADOPTED 5-0**

REGULAR AGENDA

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, through the September 7, 2021, PC hearings until the October 5, 2021, PC hearing).*

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

MOTION: Motion by Beloin, second by Dance, to **hold** Z-38 until the November 2, 2021, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

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

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REGULAR AGENDA (CONT.)

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). *(Previously held by the Planning Commission (PC) until the October 5, 2021, PC hearing).*

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). *(Previously held by the Planning Commission (PC) until the October 5, 2021, PC hearing).*

The public hearing was opened, and during the hearing, the Planning Commission granted two additional minutes of speaking time to both the opposition and the Applicant. Garvis L. Sams, Jr., Lauren Sholder, Robert Mathews, Angela Bond, and Michel Cooke addressed the Planning Commission.

Prior to the motion and vote, Mr. Pederson announced that Mr. Vault was recusing himself from Z-61 and SLUP-7. Following the presentation and discussion, Chairman Beloin made a motion to *recommend denial for Z-61*; however, the motion failed to obtain a second. Thereafter, Mr. Anderson made following substitute motion:

MOTION: Motion by Anderson, second by Dance, to **hold** Z-61 until the November 2, 2021, Planning Commission Zoning Hearing.

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

Following the vote for Z-61, the following motion was made for SLUP-7:

MOTION: Motion by Anderson, second by Dance, to **hold** SLUP-7 until the November 2, 2021, Planning Commission Zoning Hearing.

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

Chairman Beloin called for a brief recess from 10:48 a.m. until 11:00 a.m.

Due to a prior commitment, Mr. Vault left the hearing at 11:00 a.m.

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REGULAR AGENDA (CONT.)

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). *(Previously held by the Planning Commission (PC) until the October 5, 2021, PC hearing).*

At the call for LUP-19, neither the Applicant nor opposition were present. Discussion ensued, and then the following motion was made:

MOTION: Motion by Beloin, second by Dance, to recommend **denial** of LUP-19, subject to:

1. **Allow the Applicant to continue with business activities up to 60 days from the Board of Commissioners' decision in order to allow the operator time to relocate her business**

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

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). *(Previously held by the Planning Commission (PC) from the August 3, 2021 and September 7, 2021, PC hearings until the October 5, 2021, PC hearing).*

The public hearing was opened, and Chuck Owuzo 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-54 to the **RA-5** zoning district, subject to:

1. **Rezoning of the subject property shall be from the existing zoning classification of PSC to the RA-5 zoning classification as recommended by staff**
2. **The subject property consists of 5.1 acres, more or less, and shall be developed for a residential community, in a townhome style, containing a maximum of 25 residences**

REGULAR AGENDA (CONT.)

Z-54 CHUCK OWUZO (CONT.)

3. The proposed townhomes shall be Traditional in style and architecture and shall have exterior facades consisting of brick, cementitious siding, and combinations thereof, with complementary accents, and shall be substantially similar to the elevation attached as Exhibits "A" & "B" and incorporated herein by reference; the District Commissioner shall approve the final elevations if materially different from those attached as Exhibits "A" & "B" (on file in the Zoning Division)
4. The units shall have two-car garages; no garage areas within the proposed townhome community shall be converted into heated living space for the units; all garages shall be used primarily for the parking of vehicles with only incidental storage that does not interfere with parking for vehicles; such restrictions shall be included in the Declaration of Covenants, Easements, and Restrictions
5. The proposed townhomes shall have a minimum of 2,500 square feet of heated and cooled space
6. All units within the proposed townhome community shall be "for sale" units; there shall be no more than a maximum of 10 percent of the units being leased at any one time; and such restriction shall be included in the Declaration of Covenants, Easements, and Restrictions
7. Applicant agrees to the recording and enforcement of a Declaration of Covenants, Easements, and Restrictions which shall contain covenants, rules, and regulations applicable to the proposed townhome community
8. Additionally, and in conjunction with the Declaration of Covenants, Easements, and Restrictions, Applicant agrees to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of the entrance area, signage, yard areas, all common areas, amenity and open space, stormwater management, general landscaped areas, mail kiosk, fencing, and the like contained within the community
9. The Declaration of Covenants, Easements, and Restrictions shall include a provision prohibiting vehicle repair or maintenance within the community
10. The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick, stone, stacked stone, or combinations thereof, with accents consistent with the architecture and style of the residences; the entrance landscaping shall be professionally designed, implemented, and maintained; the entrance signage and landscaping will be subject to the approval of the District Commissioner

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REGULAR AGENDA (CONT.)

Z-54 CHUCK OWUZO (CONT.)

- 11. The setbacks for the proposed community shall be as shown and reflected on the revised Site Plan**
- 12. The amenity area for the proposed community shall consist of, at a minimum, a cabana, pool, and community gathering area for the residents and their guests**
- 13. All utilities servicing the residences within the proposed community shall be located underground**
- 14. The property's frontage along Powder Springs Road shall be landscaped to provide visual screening and shall include evergreen trees, a minimum of six feet in height at planting; the entrance monument signage and landscaping are exempted from this requirement, but shall be sufficiently professionally landscaped consistent with entrance areas of upscale residential communities; the future homeowners association shall maintain all such frontage landscaping including, but not limited to, pick up of trash or debris; all landscaping shall be subject to approval by the District Commissioner**
- 15. Minor modifications to the within stipulations, the referenced, revised Site Plan, lighting, landscaping, architecture, site features, signage, and the like, may be approved by the District Commissioner, as needed or necessary, *except* for those that:**
 - A. Increase the density of a residential project or the overall square footage of a non-residential project**
 - B. Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district**
 - C. Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district**
 - D. Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district**
 - E. Change an access location to a different roadway**
 - F. Would be in direct contradiction or conflict with any of the stipulations of this rezoning**
 - G. Would be in direct contradiction or conflict with Cobb County Code and Ordinances; or**
 - H. Would be in direct contradiction or conflict with any staff recommendation that were adopted in this final zoning decision**
- 16. All Staff comments and recommendations**

VOTE: ADOPTED 4-0, Vault not present

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REGULAR AGENDA (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). *(Previously continued by Staff until the September 7, 2021, Planning Commission (PC) hearing; continued by the PC until the October 5, 2021, PC hearing).*

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

MOTION: Motion by Hughes, second by Dance, to **hold** Z-56 until the November 2, 2021, Planning Commission Zoning Hearing.

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

Chairman Beloin called for a lunch recess at 11:57 a.m. The hearing reconvened at 1:05 p.m.

Chairman Beloin left the hearing at the lunch recess.

Upon returning from the lunch recess, Mr. Pederson announced that a temporary Chairman needed to be elected due to the absence of Chairman Beloin and Vice Chairman Vault. Thereafter, the following motion was made:

MOTION: Motion by Hughes, second by Anderson, to **elect** Debra Dance as the *temporary* Planning Commission Chair.

VOTE: **ADOPTED** 3-0, Beloin and Vault not present

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).*

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

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REGULAR AGENDA (CONT.)

Z-57 STACEY BAGWELL (CONT.)

MOTION: Motion by Hughes, second by Anderson, to recommend **approval** of Z-57 to the PVC zoning district, subject to:

- 1. Letter of agreeable conditions from Garvis L. Sams, Jr. dated September 28, 2021 (on file in the Zoning Division)**
- 2. All Staff comments and recommendations**

VOTE: **ADOPTED** 3-0, Beloin and Vault not present

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). *(Previously held by the Planning Commission (PC) until the October 5, 2021, PC hearing).*

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

MOTION: Motion by Hughes, second by Anderson, to recommend **approval** of Z-60 to the PVC zoning district, subject to:

- 1. Letter of agreeable conditions from Garvis L. Sams, Jr. dated September 28, 2021 (on file in the Zoning Division)**
- 2. All Staff comments and recommendations**

VOTE: **ADOPTED** 3-0, Beloin and Vault not present

By general consensus, companion cases Z-64 and SLUP-8 (Bentley Commercial Properties, LLC) were heard concurrently but voted on separately.

Z-64 BENTLEY COMMERCIAL PROPERTIES LLC (Bentley Commercial Properties, LLC; William Andrew Carter, JR as Trustee of the Residual Trust of James W. Bentley, JR.; Lynn Bentley Taylor and Justin Ottinger; Summerour Properties LLLP, owners) requesting rezoning from **R-15** and **HI** to **HI** for an auto salvage and storage, used auto parts sales, and used auto sales in land lot 1137 of the 16th district. Property is located on the north side of Gresham Road, east of Fairview Street (1471 Gresham Road).

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REGULAR AGENDA (CONT.)

Z-64 BENTLEY COMMERCIAL PROPERTIES LLC (CONT.)

SLUP-8 BENTLEY COMMERCIAL PROPERTIES LLC (Bentley Commercial Properties, LLC; Bentley Farm Properties, LLLP; William Andrew Carter, JR as Trustee of the Residual Trust of James W. Bentley, JR.; Lynn Bentley Taylor and Justin Ottinger; Summerour Properties LLLP, owners) requesting a **Special Land Use Permit** for an auto salvaging and wrecking yards, automobile storage yard and wrecker services, and used auto sales in land lot 1137 of the 16th district. Property is located on the north side of Gresham Road, east of Fairview Street (1471 Gresham Road).

The public hearing was opened; George Bentley and Laura McGarity addressed the Planning Commission. Following the presentation and discussion, the following motions were made:

MOTION: Motion by Dance, second by Hughes, to recommend **approval** of Z-64 to the **HI** zoning district, subject to:

1. All Staff comments and recommendations

VOTE: **ADOPTED** 3-0, Beloin and Vault not present

Following the vote for Z-64, the following motion was made for SLUP-8:

MOTION: Motion by Dance, second by Hughes, to recommend **approval** of **SLUP-8**, subject to:

1. All Staff comments and recommendations

VOTE: **ADOPTED** 3-0, Beloin and Vault not present

Z-65 HABITAT FOR HUMANITY OF NORTHWEST METRO ATLANTA, INC (Cobb County Habitat for Humanity, Inc., owner) requesting rezoning from **R-20** to **R-15** for a single-family subdivision in land lots 494 and 495 of the 18th district. Property is located on the southwest side of Hillcrest Drive, and on the southeast side of Ridgefield Drive (153 Hillcrest Drive, 6951, 7001 Ridgecrest Drive).

The public hearing was opened; Rob Hosack, Denny Wilson, Ray Thomas (virtual speaker), and Jessica Gill addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

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REGULAR AGENDA (CONT.)

Z-65 HABITAT FOR HUMANITY OF NORTHWEST METRO ATLANTA, INC (CONT.)

MOTION: Motion by Hughes, second by Anderson, to recommend **approval** of Z-65 to the **R-15** zoning district, subject to:

- 1. Letter of agreeable conditions from Rob Hosack dated September 24, 2021 (on file in the Zoning Division)**
- 2. All Staff comments and recommendations**

VOTE: **ADOPTED** 3-0, Beloin and Vault not present

Z-70 PG INVESTCO, LLC (Regal GA, LLC, owner) requesting rezoning from GC to RRC for a multifamily residential community in land lots 508, 509, 572, and 573 of the 16th district. Property is located on the north side of Town Center Drive, north of the intersection of Mall 5 Road, on the west side of I-575 (2795 Town Center Drive).

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

MOTION: Motion by Dance, second by Hughes, to **hold** Z-70 until the November 2, 2021, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 3-0, Beloin and Vault not present

Z-71 RANDALL BROTHERS, LLC (DeFoor Hills, LLC, owner) requesting rezoning from LI and IF to LI for the retail sale of building materials in land lots 961, 965, and 966 of the 17th district. Property is located on the northeast side of Elizabeth Lane, north of the intersection of South Atlanta Road and Elizabeth Lane (3151 Elizabeth Lane).

The public hearing was opened, and during the hearing, the Planning Commission granted two additional minutes of speaking time to both the opposition and the Applicant. Kevin Moore, Roberta Cook, Jimi Richards, and Margaret Jourden addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Anderson, second by Hughes, to recommend **approval** of Z-71 to the **LI** zoning district, subject to:

- 1. Final Site Plan to be approved by the District Commissioner**
- 2. Letter of agreeable conditions from Kevin Moore dated September 29, 2021 (on file in the Zoning Division)**

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REGULAR AGENDA (CONT.)

Z-71 RANDALL BROTHERS, LLC (CONT.)

- 3. Adherence to the Atlanta Road Design Guidelines**
- 4. Fire Department comments and recommendations**
- 5. Stormwater Management Division comments and recommendations**
- 6. Water and Sewer Division comments and recommendations**
- 7. Department of Transportation comments and recommendations**
- 8. Variance to reduce the required parking from 59 to 38**
- 9. For retail sale of building supplies *only***
- 10. Completion of an Archeological Boundary Survey to establish/memorialize the buffer from the outer most grave**
- 11. Inclusion of Cemetery Preservation comments and recommendations**
- 12. Establishment of a maintenance agreement for cemetery upkeep with Cobb County Cemetery Preservation Commission or their designee**

VOTE: ADOPTED 3-0, Beloin and Vault not present

Later in the hearing, to ensure that all the intended stipulations were included for Z-71, Mr. Johnson requested that the original motion for Z-71 be amended so that all the stipulations were added to complete the record for Z-71. Mr. Anderson made the following motions to amend the previously adopted motion for Z-71:

MOTION: Motion by Anderson, second by Hughes, to **allow** amending a previously adopted motion for Z-71.

VOTE: ADOPTED 3-0, Beloin and Vault not present

Mr. Anderson made the following motion to amend the original motion to include the additional stipulations:

MOTION: Motion by Anderson, second by Hughes, to **amend** the original motion for Z-71 to include the following:

- 1. All Staff comments and recommendations, *not otherwise in conflict***
- 2. All stipulations that were read in and intended to be included in the motion**

VOTE: ADOPTED 3-0, Beloin and Vault not present

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REGULAR AGENDA (CONT.)

By general consensus, companion cases Z-72 and SLUP-9 (Serious Tree Services LLC c/o William Mazariegos) were heard and voted on concurrently.

Z-72 **SERIOUS TREE SERVICES LLC C/O WILLIAM MAZARIEGOS**
(Serious Tree Services, LLC, owner) requesting rezoning from **GC** and **R-80** to **HI** for tree processing in land lot 911 of the 19th district. Property is located on the north side of Flint Hill Road, and on the west side of Sanders Road (3969, 3989 Flint Hill Road).

SLUP-9 **SERIOUS TREE SERVICES LLC C/O WILLIAM MAZARIEGOS**
(Serious Tree Services, LLC, owner) requesting a **Special Land Use Permit** for tree processing (chipping, grinding, reduction of material) in land lot 911 of the 19th district. Property is located on the north side of Flint Hill Road, and on the west side of Sanders Road (3969, 3989 Flint Hill Road).

The public hearing was opened; Jahnee Prince and Alice Carnahan addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Anderson, to **hold** Z-72 and SLUP-9 until the November 2, 2021, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 3-0, Beloin and Vault not present

APPROVAL OF MINUTES

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

September 7, 2021 – Planning Commission Zoning Hearing

VOTE: **ADOPTED** 3-0, Beloin and Vault not present

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

September 27, 2021 – Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED** 3-0, Beloin and Vault not present

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ADJOURNMENT

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

VOTE: **ADOPTED** 3-0, Beloin and Vault not present

The hearing adjourned at 4:54 p.m.



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