

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
FEBRUARY 1, 2022
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, February 1, 2022, 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:

Stephen Vault - Chairman
Fred Beloin
David Anderson
Deborah Dance
Michael Hughes

CALL TO ORDER – CHAIRMAN VAULT

Chairman Vault called the hearing to order at 9:01 a.m.

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

Since the County is under a Declaration 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 the virtual participation is allowed today.

The current Declaration of Emergency expires on February 19, 2022. In the event that the Declaration of Emergency is extended another 30 days, it is recommended that the Planning Commission continue to authorize virtual participation via following changes to the Planning Commission's 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 or other staff for participation during the presentation of the application; and*
- 5. Persons who speak virtually will acknowledge and affirm that this is his or her testimony before the Planning Commission is under oath or affirmed to be truthful.*

Otherwise, all other Planning Commission's Zoning Hearing Procedures will apply.

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After reading these changes into the record, the following motion was made:

MOTION: Motion by Hughes, second by Anderson, to **approve** the changes to the Planning Commission's Rules of Procedures as read in by Mr. Johnson.

VOTE: **ADOPTED 5-0**

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 John Pederson, Zoning Division Manager, explained the hearing procedures and announced the cases which were *withdrawn or continued*.

WITHDRAWN AND CONTINUED CASES

- Z-68'²¹** **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). *(Previously continued by Staff from the October 5, 2021, and November 2, 2021, Planning Commission (PC) hearings until the December 7, 2021, PC hearing; continued by Staff until the February 1, 2022, PC hearing)*. **WITHDRAWN WITHOUT PREJUDICE**
- Z-88'²¹** **TAYLOR MORRISON OF GEORGIA, LLC** (Indus Group, LLC, owner) requesting rezoning from **R-20** and **O&I** to **RM-8** for a townhome community in land lot 109 of the 17th district. Property is located on the north side of Veterans Memorial Highway, on the east side of Glore Drive, at the terminus of Camilla Circle (440 Veterans Memorial Highway). *(Previously continued by the Planning Commission (PC) until the February 1, 2022, PC hearing)*. **WITHDRAWN WITHOUT PREJUDICE**
- Z-10** **TRATON, LLC** (Home Star Storage Mableton GA, LLC, owner) requesting rezoning from **CRC** to **FST** for a townhome community in land lot 41 of the 18th district. Property is located on the east side of Glore Drive, on the north side of Lee Road, on the west side of Garner Road (6610 Mableton Parkway, 381 Veterans Memorial Highway). **WITHDRAWN WITHOUT PREJUDICE**
- SLUP-2** **CAMPUS REALTY ADVISORS, LLC** (TV Holdings LLC, owner) requesting a **Special Land Use Permit** for student housing in land lots 501 and 502 of the 16th district. Property is located on the south side of Big Shanty, on the east side of Hidden Forest Court (3064 Hidden Forest Court). **WITHDRAWN WITHOUT PREJUDICE**

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WITHDRAWN AND CONTINUED CASES (CONT.)

Z-61^{'21} **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) from the September 7, 2021, and October 5, 2021, PC hearings until the November 2, 2021, PC hearing; continued by Staff from the November 2, 2021, and December 7, 2021, PC hearings until the February 1, 2022, PC hearing).*

SLUP-7^{'21} **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) from the September 7, 2021, and October 5, 2021, PC hearings until the November 2, 2021, PC hearing; continued by Staff from the November 2, 2021, and December 7, 2021, PC hearings until the February 1, 2022, PC hearing).*

Mr. Pederson presented the Applicant's request to withdraw Z-61^{'21} and SLUP-7^{'21} without prejudice; thereafter, the following motion was made:

MOTION: Motion by Beloin, second by Dance, to **allow** Z-61^{'21} and SLUP-7^{'21} to be *withdrawn without prejudice*.

VOTE: **ADOPTED 5-0**

Z-1 **PULTE HOME COMPANY** (Marie F. Johnson, owner) requesting rezoning from **R-30** to **R-15/OSC** for a single-family subdivision in land lots 62 and 87 of the 19th district. Property is located on the west side of Midway Road, south of Dallas Highway (636 Midway Road). *(Continued by Staff until the March 1, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*

Z-7 **KM HOMES** (Luther John Deavers, Luther Guy Deavers Jr., owners) requesting rezoning from **R-20** to **FST** for a townhome community in land lot 22 of the 20th district. Property is located on the southeast side of Wade Green Road, north of Wooten Lake Road (4556, 4570, 4600 Wade Green Road). *(Continued by Staff until the March 1, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*

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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.

Prior to reading in the Consent Agenda, Mr. Pederson announced that Z-4 (Quinton Wiggles) and Z-9 (Windsong Properties) would be pulled from the Consent Agenda and heard on the Regular Agenda in their numerical order (see pages 11 and 13, respectively, for these cases).

CONSENT AGENDA

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

Z-3 **EDELMIRA ALAS** (Edelmira Alas, Karina Alas, Oscar Alvarado, owners) requesting rezoning from **LI** to **R-20** for a single-family residence in land lots 868 and 909 of the 19th district. Property is located on the south side of Powder Springs Road, west of Flint Hill Road/Pine Grove Drive (3363 Powder Springs Road).

To recommend **approval** of Z-3 to the **R-20** zoning district, subject to:

- 1. Stormwater Management Division comments and recommendations**
- 2. Water and Sewer Division comments and recommendations**
- 3. Department of Transportation comments and recommendations**
- 4. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 15, 2022**

At the call for Z-6 (VG Developers), opposition was present; therefore, Z-6 was pulled from the Consent Agenda to be heard on the Regular Agenda. Later in the hearing, Mr. Pederson announced that the Applicant mistakenly stood up in opposition; therefore, Z-6 was added back to the Consent Agenda (see page 8 of these minutes for the motion).

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CONSENT AGENDA (CONT.)

Z-12 **CAMEO CAPITAL, LLC** (Ackerman East West, LLC, owner) requesting rezoning from **CRC** to **LI** for office, warehouse, showroom, light industrial in land lot 861 of the 19th district. Property is located on the east side of Tramore Pointe Parkway, south of East West Connector (Tramore Pointe Parkway).

To recommend **approval** of Z-12 to the **LI** zoning district, subject to:

1. Letter of agreeable conditions from Kevin Moore dated January 26, 2022 (on file in the Zoning Division)
2. Site plan *last revised* December 15, 2021, with the District Commissioner approving minor modifications (on file in the Zoning Division)
3. Fire Department comments and recommendations
4. Stormwater Management Division comments and recommendations
5. Water and Sewer Division comments and recommendations
6. Department of Transportation comments and recommendations
7. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 15, 2022

LUP-1 **KAREN GOODEN** (Edward J. Gooden and Karen L. Gooden, owners) requesting a **Temporary Land Use Permit** for a hair salon in land lots 622 and 637 of the 19th district. Property is located at the terminus of Foxcroft Court, east of Valley Brook Drive (1910 Foxcroft Court).

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

1. Hours of operation to be from 10:00 a.m. until 7:00 p.m. on Monday, Thursday, and Friday *only*
2. All parking to be on a hardened surface and not in the right-of-way
3. Applicant to be the only employee; no independent contractors
4. Staff comments and recommendations, *not otherwise in conflict*
5. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 15, 2022

LUP-2 **STEPHANIE SALYERS** (Dexter Gatehouse, owner) requesting a **Temporary Land Use Permit** for on-line soap sales in land lot 208 of the 16th district. Property is located on the east side of Farmbrook Lane, north of Farmbrook Trail (4296 Farmbrook Lane).

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

1. No signs
2. No on-street parking

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CONSENT AGENDA (CONT.)

LUP-2 STEPHANIE SALYERS (CONT.)

- 3. No outdoor storage**
- 4. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 15, 2022**

LUP-3 EARLY EDUCATION, LLC (Early Education, LLC, owner) requesting a Temporary Land Use Permit for a daycare in land lots 50, 51, 94, and 95 of the 17th district. Property is located on the west side of Hurt Road, north of Plantation Road (488 Hurt Road).

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

- 1. The maximum number of students permitted by state and fire codes**
- 2. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 15, 2022**

LUP-4 JOYFUL LIVING PCH (Ejama Enterprises, LLC, owner) requesting a Temporary Land Use Permit for a personal care home in land lot 50 of the 17th district. Property is located on the north side of Hurt Road, east of Fred Walker Drive (688 Hurt Road).

To recommend **approval** of LUP-4 for **24 months**, subject to:

- 1. Maximum of six residents**
- 2. No parking on the right-of-way**
- 3. All stipulations from previous Land Use Permits (LUPS) also apply**
- 4. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 15, 2022**

LUP-6 DATHAN J. JOHNSON (Dathan J. Johnson and Marie L. Johnson, owners) requesting a Temporary Land Use Permit for a pet dealer in land lots 769 and 770 of the 19th district. Property is located on the east side of Shadyside Road, north of Hurt Road (3319 Shadyside Road).

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

- 1. Maximum of one customer per week on-site**
- 2. Maximum of 15 dogs on the property**
- 3. Maximum of three litters per year**
- 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 February 15, 2022**

CONSENT VOTE: ADOPTED 5-0

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REGULAR AGENDA

By general consensus, companion cases, Z-48^{'21} and SLUP-3^{'21} (Ray Murphy), were heard concurrently but voted on separately.

Z-48^{'21} **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) 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; held by the PC from the November 2, 2021, PC hearing until the December 7, 2021, PC hearing; continued by Staff until the February 1, 2022, PC hearing).*

SLUP-3^{'21} **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 the Planning Commission (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; held by the PC from the November 2, 2021, PC hearing until the December 7, 2021, PC hearing; continued by Staff until the February 1, 2022, PC hearing).*

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

MOTION: Motion by Beloin, second by Anderson, to **hold** Z-48^{'21} for 90 days until the May 3, 2022, Planning Commission Zoning Hearing, subject to:

- 1. Applicant to meet with Code Enforcement at least once every two weeks to continue to make progress and show progress toward achieving the end goals of putting together a parking plan, a landscape plan, and a lighting plan**

VOTE: **ADOPTED 5-0**

Following the vote for Z-48^{'21}, the following motion was made for companion case, SLUP-3^{'21}:

MOTION: Motion by Beloin, second by Hughes, to **hold** SLUP-3^{'21} for 90 days until the May 3, 2022, Planning Commission Zoning Hearing, subject to:

- 1. Same stipulation as stated in companion case Z-48^{'21}**

VOTE: **ADOPTED 5-0**

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REGULAR AGENDA (CONT.)

At the call for Z-80'²¹(Timothy G. Jenkins), the Applicant (virtual speaker) was having technical issues accessing the virtual link; therefore, Z-80'²¹ was heard later in the hearing (see page 10 of these minutes for the case).

Z-83'²¹ **ST. BOURKE** (M.J. Westmoreland, Westmoreland, Inc., owner) requesting rezoning from **OS** to **RM-8** for a townhome community in land lots 390 and 391 of the 18th district. Property is located on the north side of Mableton Parkway, northwest of Hunnicut Road (6721 Mableton Parkway).

The public hearing was opened; Dan Mason and two virtual speakers: Mary Rose Barnes 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 **hold** Z-83'²¹ for 60 days until the April 5, 2022, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

CONSENT AGENDA (CONT.)

For Z-6 (VG Developers), since there was no opposition, and the Applicant was present, Mr. Pederson read Z-6 back into the record, and the motion was made to add it back to Consent.

Z-6 **VG DEVELOPERS** (V&G Developers, LLC, owner) requesting rezoning from **GC** to **OS** for an office and warehouse in land lot 84 of the 16th district. Property is located on the northeast side of Shallowford Road, south of Jamerson Road (Shallowford Road).

To recommend **deletion** of Z-6 to the **NRC** zoning district, *with a special exception*, subject to:

1. **Revised site plan received by the Zoning Division on January 7, 2022, with the District Commissioner approving minor modifications (on file in the Zoning Division)**
2. **District Commissioner to approve final building architecture and landscape plan**
3. **Special exception allowed for a contractor's office (builder) for this Applicant and use *only***
4. **Applicant to ensure the proposed plan does not exceed 70% impervious coverage**
5. **Fire Department comments and recommendations**

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CONSENT AGENDA (CONT.)

Z-6 VG DEVELOPERS (CONT.)

- 6. Stormwater Management Division comments and recommendations**
- 7. Water and Sewer 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 February 15, 2022**

MOTION: Motion by Dance, second by Hughes, to **approve** the *revised* Consent Agenda, with the addition of Z-6 as read in by Mr. Pederson.

VOTE: **ADOPTED 5-0**

REGULAR AGENDA (CONT.)

By general consensus, companion cases, Z-2 and SLUP-1 (Pat Spencer/U-Haul Company of Atlanta West), were heard concurrently but voted on separately.

Z-2 PAT SPENCER/U-HAUL COMPANY OF ATLANTA WEST (William D. Brown, owner) requesting rezoning from **CRC** and **R-20** to **CRC** for a self-storage, truck and trailer rental, retail in land lots 789 and 790 of the 19th district. Property is located on the west side of Ernest Barrett Parkway, on the south and east side of Laura Brown Way (6652 Ernest Barrett Parkway).

SLUP-1 PAT SPENCER/U-HAUL COMPANY OF ATLANTA WEST (William D. Brown, owner) requesting a **Special Land Use Permit** for a storage, truck and trailer rental, retail in land lots 789 and 790 of the 19th district. Property is located on the west side of Ernest Barrett Parkway, on the south and east side of Laura Brown Way (6652 Ernest Barrett Parkway).

The public hearing was opened; Jeff Billya and Pat Spencer addressed the Planning Commission. Following the presentation and discussion, the following motions were made:

MOTION: Motion by Hughes, second by Anderson, to recommend **approval** of Z-2 to the **CRC** zoning district, subject to:

- 1. Final site plan and building architecture to be approved by the District Commissioner**
- 2. 20-foot landscape buffer along Earnest Barrett Parkway to be approved by the District Commissioner**
- 3. Any work to automobiles related to installing hitches must be done inside the building**

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REGULAR AGENDA (CONT.)

**Z-2 &
SLUP-1**

PAT SPENCER/U-HAUL COMPANY OF ATLANTA WEST (CONT.)

- 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. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 15, 2022**

VOTE: ADOPTED 5-0

Following the vote for Z-2, the following motion was made for companion case, SLUP-1:

MOTION: Motion by Hughes, second by Anderson, to recommend **approval** of SLUP-1, subject to:

- 1. Same stipulations as those stated in companion case Z-2**

VOTE: ADOPTED 5-0

Chairman Vault called for a brief recess from 10:36 a.m. until 10:44 a.m.

Z-80'²¹

TIMOTHY G. JENKINS (Timothy Jenkins, owner) requesting rezoning from **GC** to **R-20** for a single-family residence in land lot 142 of the 20th district. Property is located on the north side of New Rutledge Road, west of Meadowlark Lane (3218 New Rutledge Road). *(Continued by Staff until the February 1, 2022, Planning Commission hearing).*

The public hearing was opened, and Timothy Jenkins (Applicant and virtual speaker) addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Dance, to recommend **approval** of Z-80'²¹ to the **R-20** zoning district, subject to:

- 1. Staff comments and recommendations**
- 2. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 15, 2022**

VOTE: ADOPTED 5-0

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REGULAR AGENDA (CONT.)

Z-4 **QUINTON WIGGLES** (Quinton Wiggles, owner) requesting rezoning from **GC** to **R-20** for two single-family residences in land lot 108 of the 17th district. Property is located on the north side of Ridge Avenue, east of Old Gordon Road (568 Ridge Avenue).

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

MOTION: Motion by Hughes, second by Beloin, to recommend **approval** of Z-4 to the **R-20** zoning district, subject to:

- 1. Letter from the Mableton Improvement Coalition dated January 26, 2022 (on file in the Zoning Division)**
- 2. Staff comments and recommendations**
- 3. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 15, 2022**

VOTE: **ADOPTED 5-0**

Z-5 **HUI PING SCHNEIDER/ AMERICA 101, LLC** (America 101, LLC, owner) requesting rezoning from **R-20** to **RD** for a duplex in land lot 85 of the 16th district. Property is located on the north side of Old Noonday School House Road, west of Canton Road (913 A-0 Old Noonday School Road).

The public hearing was opened; Bill White and Hui Ping Schneider addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Dance, second by Hughes, to recommend **denial** of Z-5.

Prior to the vote, discussion ensued, and then Mr. Beloin made the following substitute motion:

MOTION: Motion by Beloin, second by Dance, to **hold** Z-5 until the March 1, 2022, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

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REGULAR AGENDA (CONT.)

Z-8 **STREAMLINE DEVELOPMENT PARTNERS** (Galaxy Properties & Investment, Inc., owner) requesting rezoning from **NRC** to **NRC** for retail commercial, restaurants in land lots 68 and 165 of the 18th district. Property is located on the east side of Hickory Trail, on the southwest side of Veterans Memorial Highway (Veterans Memorial Highway).

The public hearing was opened; Garvis L. Sams, Jr., and the following virtual speakers: Ray Thomas, Robin Meyer, and Marisa Elliot 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-8 to the **NRC** zoning district, subject to:

- 1. Letter of agreeable conditions from Garvis L. Sams, Jr. dated January 20, 2022 (on file in the Zoning Division), with the following changes:**
 - A. Item No. 2 – revise to read: “...and an approximate 7,430 square foot retail store. Said restaurant shall not be converted into a fast food, drive through feature.”**
 - B. Add Item No. 3 – to read as follows: “No vehicle-related uses, including (but not limited to) auto parts stores such as AutoZone, auto repair, auto sales, new or used tire sales, emission inspections, or any similar services or sales for cars, trucks or other motorized vehicles for the entire parcel.”**
 - C. Add Item No. 4 – to read as follows: “The following additional prohibited uses:**
 - a. Liquor stores;**
 - b. Adult entertainment;**
 - c. Sales of sexually explicit or drug-related paraphernalia;**
 - d. Pawn shops and title pawn shops;**
 - e. Gold or precious metal dealers;**
 - f. Nightclubs;**
 - g. Video arcades as a primary use;**
 - h. Check cashing;**
 - i. Discount sales and “dollar stores”;**
 - j. Drive through windows;**
 - k. Taxi dispatching services;**
 - l. Wholesale only sales establishments;**
 - m. Gun, knife or weapons sales;**
 - n. Shooting ranges;**
 - o. Firewood sales; and**
 - p. Thrift stores, second-hand stores, or flea markets.”**

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REGULAR AGENDA (CONT.)

Z-8 STREAMLINE DEVELOPMENT PARTNERS (CONT.)

- D. Item No. 5 – revise to read: “*The proposed operating hours for the restaurant (non-fast food) and retail component will be daily from 7:00 a.m. until midnight. The proposed hours of operation for the retail store will be determined by an Other Business Item to be considered by the Board of Commissioners.*”**

VOTE: **ADOPTED 5-0**

Chairman Vault called for a lunch recess at 11:53 a.m. The hearing reconvened at 1:00 p.m.

Z-9 WINDSONG PROPERTIES (Fortified Hills Baptist Church, Inc., owner) requesting rezoning from **R-30** to **R-20** for a single-family subdivision 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, west of Holland Road (Dallas Highway).

The public hearing was opened; Garvis L. Sams, Jr., Sandra DuPree, Karen Major, Carey Bayer, Jerry DuPree, Ann Schroeder (virtual speaker) and Henry Massie addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Hughes, to recommend **approval** of Z-9 to the **R-20** zoning district, subject to:

- 1. Only low-intensity and environmentally sensitive lighting is to be used, with the District Commissioner to approve the final lighting plan**
- 2. For lots 22 and 23 and lots 14 and 6, and all lots south of lots 14 and 6, as shown on the Rezoning Master Plan, sheet Z4, dated 4-21-2021, by Planners & Engineers Collaborative, “no mass grading” on such lots; “no mass grading” is defined to mean grading is limited only to roads, building pads, and utilities; mass grading shall be allowed, *as necessary*, on those lots not expressly named or not defined as being south of lots 14 and 6, to allow completion of the project**
- 3. There shall be a 35-foot continuous landscape buffer along the east property line; if that buffer has been invaded at all, then the developer is to provide new plantings, with final plantings to be approved by the District Commissioner**

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REGULAR AGENDA (CONT.)

Z-9 WINDSONG PROPERTIES (CONT.)

4. A stipulation shall be placed in any covenants recorded such that the property owners are bound to maintain that 35-foot buffer for the next 20 years
5. There shall be a reversionary clause such that the developer must pull the Land Disturbance Permit (LDP) with 18 months or the property reverts back to R-30
6. The developer is to provide a landscaping plan for the area along Old Dallas Road, with final approval by the District Commissioner
7. Items contained in the stipulation letter shall not be in conflict with the conditions already stated
8. All Department of Transportation comments apply

Prior to the vote, discussion ensued, and Mr. Beloin made the following motion to amend his previous motion to include an additional stipulation:

MOTION: Motion by Beloin, second by Hughes, to **amend** the previous motion to include the following stipulation:

9. **Developer to endeavor to allow for lots 1, 2, and 3 to have single story houses, *if feasible***

VOTE: **ADOPTED 5-0**

Z-11 PIRKLE BUILT, LLC (Paul Thomas White, owner) requesting rezoning from **R-30** to **R-12** for single-family residences in land lot 771 of the 17th district. Property is located on the northwest side of Spring Hill Road, on the northeast side of Honeysuckle Lane (3522 Spring Hill Road).

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

MOTION: Motion by Anderson, second by Hughes, to recommend **deletion** of Z-11 to the **R-20** zoning district, subject to:

1. Letter of agreeable conditions from Kevin Moore dated January 26, 2022 (on file in the Zoning Division)
2. Establishment of a 10-foot landscape buffer along the eastern portion of lot 1 facing Spring Hill Road and along the rear lot line of lots 1 and 2, with year-round evergreen visual screening
3. Minimum requirement of 20-feet between homes
4. All homes shall have a minimum of two-car garages; garages are not to be converted to living space or used solely for storage
5. Each home shall have a separate driveway; no shared parkway

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REGULAR AGENDA (CONT.)

Z-11 PIRKLE BUILT, LLC (CONT.)

- 6. The driveway pads in front of the houses shall be sufficient to hold two full-size automobiles**
- 7. The construction site shall be considered a clean work area with loose debris disposed of each evening**
- 8. Prohibition on stacking of vehicles along Honeysuckle Lane and Spring Hill Road**
- 9. Provision of a 24-hour contact number in surrounding neighborhoods and posted on-site during the construction period**
- 10. Development and construction hour limitations for the project of 7:00 a.m. until 8:00 p.m. Monday through Friday; 9:00 a.m. until 6:00 p.m. Saturday; no work on Sunday unless approved by the District Commissioner**
- 11. Prohibition on construction trucks and worker vehicles being parked on-site overnight**
- 12. Fire Department comments and recommendations**
- 13. Water and Sewer Division comments and recommendations**
- 14. Stormwater Management Division comments and recommendations**
- 15. Department of Transportation comments and recommendations**
- 16. Planning Division comments and recommendations**
- 17. All other Staff comments and recommendations, *not otherwise in conflict***
- 18. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 15, 2022**

VOTE: ADOPTED 5-0

LUP-5 RICK KUHLMAN (Rick Kuhlman and Amanda Kuhlman, owners) requesting a **Temporary Land Use Permit** for a firewood storage in land lot 874 of the 17th district. Property is located on the east side of Leland Drive, north of Windy Hill Road (1885 Leland Drive).

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

MOTION: Motion by Anderson, second by Dance, to hold LUP-5 for 60 days, subject to:

- 1. Applicant to work with Community Development Staff to identify approximate sites that could be suitable alternative locations**
- 2. Applicant to develop a site plan that reflects landscaping and any fencing and submit for review to the Staff in the case that the use remains on-site**

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REGULAR AGENDA (CONT.)

LUP-5 RICK KUHLMAN (CONT.)

Prior to the vote, discussion ensued, and Mr. Anderson made the motion to withdraw his previous motion.

MOTION: Motion by Anderson, second by Dance, to withdraw my original motion.

Prior to the vote, Mr. Anderson made the following substitute motion:

MOTION: Motion by Anderson, second by Dance, to recommend **approval** of LUP-5 for **12 months**, subject to:

- 1. Applicant to install a fence six feet in height around the perimeter of the site that is currently occupied by firewood**
- 2. Applicant to provide landscaping in front of the fence**
- 3. Storage height of the firewood not to exceed the greater in height of either the fence or landscaping**
- 4. Encouragement of the Applicant to pursue an off-site solution during this time period**

VOTE: **ADOPTED 5-0**

Chairman Vault called for a brief recess from 2:34 p.m. until 2:42 p.m.

OTHER BUSINESS

O.B. 1 To consider a recommendation to the Board of Commissioners regarding the 2022 *proposed* code amendments for Chapter 134 of the Official Code of Cobb County.

Ms. Jessica Guinn, Community Development Agency Director, provided follow-up information regarding some of the amendments as requested from the January 4, 2022, Planning Commission Code Amendment Hearing. Two speakers, Teresa Stendahl and Gregg Lowery (virtual speaker) addressed the Planning Commission. Following presentation and discussion, the following motions were made:

MOTION: Motion by Hughes, second by Beloin, to recommend **approval** of the proposed code amendments for *Section 134-121. – Generally*, as revised, and to recommend **approval** of incorporating four additional definitions into *Section 134-1. – Definitions*.

VOTE: **ADOPTED 5-0**

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OTHER BUSINESS (CONT.)

O.B. 1 (CONT.)

MOTION: Motion by Beloin, second by Hughes, to recommend **approval** of the proposed code amendments for *Section 134-230. – LI light industrial district*, as written, with the one change to paragraph 1. to change the maximum height requirement to read: *“The maximum height of a freestanding climate-controlled self-service storage facility shall be one story, not to exceed 20 feet above the finished grade unless approved by the Board of Commissioners.”*

VOTE: **ADOPTED 5-0**

MOTION: Motion by Beloin, second by Hughes, to recommend **approval** of the proposed code amendments for *Section 134-231. – HI heavy industrial district*, as written, with the one change to paragraph 1. to change the maximum height requirement to read: *“The maximum height of a freestanding climate-controlled self-service storage facility shall be one story, not to exceed 20 feet above the finished grade unless approved by the Board of Commissioners.”*

VOTE: **ADOPTED 5-0**

MOTION: Motion by Beloin, second by Hughes, to recommend **deletion** of *Section 134-279. – Self-service storage facilities.*

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

APPROVAL OF MINUTES

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

December 7, 2021 – Planning Commission Zoning Hearing

VOTE: **ADOPTED 5-0**

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

January 4, 2022 – Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED 5-0**

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APPROVAL OF MINUTES (CONT.)

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

January 4, 2022 – Planning Commission Hearing for *Proposed* Code Amendments

VOTE: **ADOPTED 5-0**

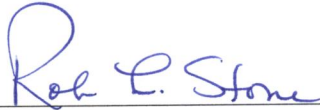
MOTION: Motion by Dance, second by Hughes, to **approve** the following minutes, *as submitted*:

January 24, 2022 – Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED 5-0**

ADJOURNMENT

The hearing adjourned at 3:21 p.m.



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