

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

The Planning Commission Zoning Hearing was held on Tuesday, March 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 9:02 a.m.

At the February Planning Commission (PC) Zoning Hearing, changes were adopted to the PC's Rules of Procedure to allow virtual participation. Mr. Brian Johnson, Senior Associate County Attorney, recommended that the Planning Commission vote to continue with virtual participation at this PC Zoning Hearing; thereafter, the following motion was made:

MOTION: Motion by Dance, second by Hughes, to **allow** the Planning Commission's Rules of Procedure to be changed to allow virtual participation at this PC Zoning Hearing.

VOTE: **ADOPTED** 5-0

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

CONTINUED AND HELD CASES

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; held by the PC until the May 3, 2022, PC hearing; therefore, was not considered at this hearing).*

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CONTINUED AND HELD CASES (CONT.)

- 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). *(Previously held by the Planning Commission (PC) from the December 7, 2021, and February 1, 2022, PC hearings until the April 5, 2022, PC hearing; therefore, was not considered at this 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; held by the PC until the May 3, 2022, PC 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). *(Previously continued by Staff from the February 1, 2022, and the March 1, 2022, Planning Commission (PC) hearings until the April 5, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-13** **DUNAMIS DEVELOPMENT, LLC** (Robbin B. Sotir, Trustee, or her successor in Trust, under the Robbin B. Sotir Living Trust, dated May 13, 2005, and any amendments thereto, owners) requesting rezoning from **LRO** to **O&I** for a climate controlled self-storage in land lots 27 and 48 of the 19th district. Property is located on the northwest side of Ernest Barrett Parkway, across from Goose Ridge (3602 Ernest Barrett Parkway). *(Continued by Staff until the April 5, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*
- SLUP-3** **DUNAMIS DEVELOPMENT, LLC** (Robbin B. Sotir, Trustee, or her successor in Trust, under the Robbin B. Sotir Living Trust, dated May 13, 2005, and any amendments thereto, owners) requesting a **Special Land Use Permit** for a climate controlled self-storage in land lots 27 and 48 of the 19th district. Property is located on the northwest side of Ernest Barrett Parkway, across from Goose Ridge (3602 Ernest Barrett Parkway). *(Continued by Staff until the April 5, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*

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CONTINUED AND HELD CASES (CONT.)

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). *(Previously continued by Staff from the February 1, 2022, Planning Commission (PC) hearing until the March 1, 2022, PC hearing).*

Mr. Pederson presented the Applicant's request for a continuation of Z-1; thereafter, the following motion was made;

MOTION: Motion by Beloin, second by Anderson, to **continue** Z-1 until the April 5, 2022, Planning Commission Zoning Hearing.

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). *(Previously held by the Planning Commission (PC) from the February 1, 2022, (PC) hearing until the March 1, 2022, PC hearing).*

Mr. Pederson presented the Applicant's request for a continuation of Z-5; thereafter, the following motion was made;

MOTION: Motion by Dance, second by Hughes, to **continue** Z-5 until the April 5, 2022, 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.

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REGULAR AGENDA

By general consensus, companion cases, Z-14 and SLUP-4 (CM Holding Company, LLC), were heard concurrently, but voted on separately.

Z-14 **CM HOLDING COMPANY, LLC** (Johnny L. Roper, owner) requesting rezoning from **GC** to **O&I** for a climate controlled self-storage in land lots 28, 29, and 329 of the 19th and 20th districts. Property is located on the north side of Dallas Highway, east of Ernest Barrett Parkway (2250 Dallas Highway).

SLUP-4 **CM HOLDING COMPANY, LLC** (Johnny L. Roper, owner) requesting a **Special Land Use Permit** for a climate controlled self-storage in land lots 28, 29, and 329 of the 19th and 20th districts. Property is located on the north side of Dallas Highway, east of Ernest Barrett Parkway (2250 Dallas Highway).

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

MOTION: Motion by Beloin, second by Hughes, to recommend **approval** of Z-14 to the **O&I** zoning district, subject to:

1. Letter of agreeable conditions from Clarke Coole dated February 21, 2022 (on file in the Zoning Division), *with the exception of*, anything contained in that letter that contradicts any Staff comments shall be removed from the letter; *also to be removed from this letter*, shall be anything that is inconsistent with the additional stipulations read in (Stipulations 2 – 9 listed below)
2. The 80-foot undisturbed buffer shall include an easement in favor of the five adjoining homeowners in Martin Ridge; the easement shall be for a landscape buffer to remain, and that area shall **not** be disturbed
3. The impervious surface shall be reduced from 70% to the extent that it is clear that the stream buffers here plus the 80-foot undisturbed buffer result in an acreage use which is of a lower percentage of impervious surface
4. Dallas Highway Design Guidelines shall apply
5. Brick shall be on all sides of the building visible from Dallas Highway
6. Lighting shall be environmentally friendly and of a low-intensity variety
7. Hours for construction shall be from 7:00 a.m. until 7:00 p.m. Monday through Saturday; no work on Sunday

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REGULAR AGENDA (CONT.)

**Z-14 &
SLUP-4 CM HOLDING COMPANY, LLC (CONT.)**

- 8. Prohibition during operating hours such that no 53-foot trucks shall be allowed to utilize the premises for loading and unloading during the business day**
- 9. Staff comments and recommendations**

Prior to the vote, discussion ensued, and Mr. Beloin amended his motion to include an additional stipulation:

MOTION: Motion by Beloin, second by Dance, to **amend** the previous motion for Z-14, to include the following stipulation:

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

VOTE: **ADOPTED 5-0**

Following the vote for Z-14, the following motion was made for companion case, SLUP-4:

MOTION: Motion by Beloin, second by Hughes, to recommend **approval** of SLUP-4, subject to:

- 1. Same stipulations as those stated in companion case Z-14**
- 2. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on March 15, 2022**

VOTE: **ADOPTED 5-0**

- Z-15 KASHIF RANA** (Aarish Group of Investment, LLC, owner) requesting rezoning from **NS** to **NRC** for a convenience store with fuel sales in land lot 296 of the 20th district. Property is located on the northeast side of Due West Road, northwest of Burnt Hickory Road, and at the terminus of Burnt Hickory Way (3800 Due West Road).

The public hearing was opened; Jonathan Jones, Peggy Ashley, Jim Brown, and Elsa Brown addressed the Planning Commission. Following the presentation and discussion, the following motions were made:

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REGULAR AGENDA (CONT.)

Z-15 KASHIF RANA (CONT.)

MOTION: Motion by Beloin, second by Dance, to recommend **deletion** of Z-15 to the LRC zoning district, subject to:

1. Final site plan and building architecture to be approved by the District Commissioner
2. Fire Department comments and recommendations
3. Stormwater Management Division comments and recommendations
4. Water and Sewer comments and recommendations
5. Department of Transportation comments and recommendations
6. Applicant/Developer to install a 20-foot landscape buffer along the Morgan property and along the Burnt Hickory Way property; no dumpster enclosures or parking areas are to be placed in this 20-foot area
7. No access to Burnt Hickory Way
8. Prohibition against any auto parts store being placed here

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

APPROVAL OF MINUTES

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

February 1, 2022 – Planning Commission Zoning Hearing

VOTE: **ADOPTED** 5-0

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

February 21, 2022 – Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED** 5-0

ADJOURNMENT

The hearing adjourned at 10:07 a.m.



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