

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
APRIL 5, 2022
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, April 5, 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 9:04 a.m.

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 John Pederson, Zoning Division Manager, reviewed the hearing procedures and announced the cases which were *withdrawn, held, or continued*.

WITHDRAWN, HELD, AND CONTINUED CASES

- 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1, 2022, PC hearing; continued by the PC from the March 1, 2022, PC hearing until the April 5, 2022, PC hearing).* **WITHDRAWN WITHOUT PREJUDICE**
- 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). *(Previously continued by Staff from the March 1, 2022, Planning Commission (PC) hearing until the April 5, 2022, PC hearing).* **WITHDRAWN WITHOUT PREJUDICE**
- 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). *(Previously continued by Staff from the March 1, 2022, Planning Commission (PC) hearing until the April 5, 2022, PC hearing).* **WITHDRAWN WITHOUT PREJUDICE**

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- Z-48'**²¹ **RAY MURPHY** (Ray Murphy, owner) requesting rezoning from **GC** to **LI** for an automobile storage yards and wrecker services for damaged or confiscated vehicles 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-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; continued by Staff until the May 3, 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 an automobile storage yards and wrecker services for damaged or confiscated vehicles 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-19** **NEW BUDDY'S LLC** (Doris Weatherford Cantrell Revocable Trust dated July 23, 2013, owner) requesting rezoning from **GC** and **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 (3808 Due West Road). *(Continued by Staff until the May 3, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

Z-20 **FRANCISCO PADILLA** (Francisco Padilla, owner) requesting rezoning from **R-20** to **NRC** for retail, office in land lots 488, 489, and 549 of the 19th district. Property is located on the northwest side of Powder Springs Road, north of Mellor Lane (1888 Powder Springs Road). *(Continued by Staff until the May 3, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*

Z-21 **FRANCISCO PADILLA** (Francisco Joel Padilla Perez, owner) requesting rezoning from **CF** to **NRC** for an office in land lot 1214 of the 19th district. Property is located on the west side of Austell Road, on the south side of Doby Lane (5120 Austell Road). *(Continued by Staff until the May 3, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*

SLUP-5 **PARALLEL TOWERS III, LLC AKA PARALLEL INFRASTRUCTURE LLC** (FDP Properties, LLC, owner) requesting a **Special Land Use Permit** for a cellular tower in land lots 131 and 132 of the 16th district. Property is located on the east side of Canton Road, across from the terminus of Shallowford Road (4648 Canton Rd). *(Continued by Staff until the May 3, 2022, Planning Commission 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.

CONSENT AGENDA

MOTION: Motion by Dance, second by Hughes, to **approve** the Consent Agenda, *as presented:*

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CONSENT AGENDA (CONT.)

- 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; continued by the PC until the April 5, 2022, PC hearing).*

To recommend **approval** of Z-5 to the **RD** zoning district, subject to:

- 1. Site plan received by Zoning Division on November 19, 2021, with the District commissioner approving minor modifications (on file in the Zoning Division)**
- 2. Existing structure to be used as a duplex *only***
- 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 April 19, 2022**

- Z-22 FIRST PROPERTY ASSET MANAGERS, LLC** (First Property Asset Managers LLC, owner) requesting rezoning from **LRC** to **R-20** for a single-family residence 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 (933 Old Noonday School Road).

To recommend **deletion** of Z-22 to the **RD** zoning district, subject to:

- 1. Site plan received by Zoning Division on February 3, 2022, with the District Commissioner approving minor modifications (on file in the Zoning Division)**
- 2. Existing structure to be used as a duplex or single-family use *only***
- 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 April 19, 2022**

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CONSENT AGENDA (CONT.)

LUP-7 **GREGORY D. BOWEN** (Gregory Dwight Bowen and Robin Elaine Bowen, owners) requesting a **Temporary Land Use Permit** to allow temporary occupancy of an RV in land lot 146 of the 20th district. Property is located on the east side of Mars Hill Church Road, south of Whitt Station Run (2950 Mars Hill Church Road).

To recommend **approval** of LUP-7 for **12 months**, subject to:

- 1. If the building permit expires due to lack of inspections, the approval will be revoked**
- 2. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on April 19, 2022**

CONSENT VOTE: **ADOPTED 5-0**

REGULAR AGENDA

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).*

The public hearing was opened; Parks Huff and Andy Johnston addressed the Planning Commission. Following the presentation and discussion, the following motions were made:

MOTION: Motion by Dance, second by Hughes, to **hold** Z-7 until the May 3, 2022, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

Z-16 **KARL KORTEMEIER** (Karl Kortemeier, owner) requesting rezoning from **O&I** to **R-15** for a single-family residence in land lots 33 and 34 of the 17th district. Property is located on the north side of Clay Road, west of Floyd Road (862 Clay Road).

The public hearing was opened; Keith Kortemeier and Robin Meyer addressed the Planning Commission. Following the presentation and discussion, the following motions were made:

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REGULAR AGENDA (CONT.)

Z-16 KARL KORTEMEIER (CONT.)

MOTION: Motion by Hughes, second by Anderson, to recommend **approval** of Z-16 to the **R-15** zoning district, subject to:

- 1. Letter from the Mableton Improvement Coalition dated March 30, 2022 (on file in the Zoning Division)**
- 2. Residential building architecture to be approved by the District Commissioner**
- 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. Variances identified in the Zoning Division comments**
- 8. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on April 19, 2022**

VOTE: **ADOPTED 5-0**

Z-17 TYLER CHANDLER HOMES, LLC (Estate of Lillian Marie Latham, owner) requesting rezoning from **RSL** and **LRO** to **RSL** for a residential senior living, non-supportive residential subdivision in land lot 122 of the 20th district. Property is located on the south side of McClure Road, on the west side of Acworth Due West Road (4321 McClure Road).

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

MOTION: Motion by Beloin, second by Dance, to recommend **approval** of Z-17 to the **RSL** zoning district, subject to:

- 1. All Staff comments and recommendations, *including but not limited to*, Department of Transportation and Stormwater Management Division**
- 2. Letter of agreeable conditions from Kevin Moore dated March ~~20~~ 30, 2022 (on file in the Zoning Division), shall apply, *where not in conflict with*, the Staff comments or those stated here and as modified by the superseding conditions and provisions**
- 3. As to setbacks, all units shall include garages; the closest point on the face of any garage to any curb or any sidewalk shall not be less than 25 feet, this is to allow for sufficient room for cars to be parked; all garages are to be wide enough to fit two cars, with the final dimensions to be approved by the District Commissioner; all driveways shall be wide enough to hold two cars, with the final width to be determined by the District Commissioner on the final plan**

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REGULAR AGENDA (CONT.)

Z-17 TYLER CHANDLER HOMES, LLC (CONT.)

4. From the March 30, 2022 stipulation letter, delete Item No. 15, and replace with the following: *“County Standards as to the width of the road is be used in all circumstances, with final approval of the precise width of the road be determined by the District Commissioner in consultation with the County Department of Transportation.”*
5. All guest parking shall be parallel, rather than perpendicular, as recommended by County Department of Transportation
6. Inclusion on the Consent Agenda for the Board of Commissioners’ Zoning Hearing on April 19, 2022

VOTE: ADOPTED 5-0

Clerk’s Note: The stipulation letter referenced in #2 above is dated March 30, 2022, rather than March 20, 2022, as stipulated.

Z-18 PROPCO LIBERTY, LLC (PropCo Liberty, LLC, owner) requesting rezoning from GC to NRC for retail and specialty contractor in land lot 660 of the 16th district. Property is located on the south side of Liberty Hill Road, east of Canton Road (910 Liberty Hill Road).

The public hearing was opened; Kevin Moore and Carol Brown 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-18 to the NRC zoning district, subject to:

1. Letter of agreeable conditions from Kevin Moore dated March 30, 2022 (on file in the Zoning Division)
2. All Staff comments and recommendations

VOTE: ADOPTED 5-0

OTHER BUSINESS

OB-1 To consider adopting the *revised* Planning Commission Zoning hearing rules and procedures.

Discussion by the Planning Commission ensued, and Robin Meyer and Carol Brown provided public comment. Thereafter, the following motion was made:

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OTHER BUSINESS (CONT.)

OB-1 (CONT.)

MOTION: Motion by Beloin, second by Hughes, to **hold** adopting the *revised* Planning Commission Zoning hearing rules and procedures until the May 3, 2022, Planning Commission Zoning Hearing, subject to:

1. Adding page numbers to the Table of Contents
2. In Section 6B, consider adding a Monday deadline (a week prior to the PC hearing) for Applicant submittals, and allow the Wednesday deadline (a week prior to the PC hearing) for other public comments

VOTE: **ADOPTED 5-0**

APPROVAL OF MINUTES

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

March 1, 2022 – Planning Commission Zoning Hearing

VOTE: **ADOPTED 5-0**

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

March 28, 2022 – Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED 5-0**

ADJOURNMENT

The hearing adjourned at 11:02 a.m.



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