

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
JUNE 7, 2022
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, June 7, 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
David Anderson
Fred Beloin

Deborah Dance – not present
Michael Hughes – not present

CALL TO ORDER – CHAIRMAN VAULT

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

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 John Pederson, Zoning Division Manager, reviewed the hearing procedures and announced the cases which were *withdrawn, held, or continued*.

Clerk's Note: Due to the absence of Planning Commissioners, Dance and Hughes, Chairman Vault handled the District 3 and District 4 cases during the hearing.

WITHDRAWN, HELD, AND CONTINUED CASES

- Z-28** **PARAN HOMES C/O WHIT PORTER** (multiple titleholders, owners) requesting rezoning from **R-80** to **R-20/OSC** for a single-family residential subdivision in land lots 427 and 462 of the 19th district. Property is located on the north side of Macland Road, on the east side of Villa Rica Road, and on the west side of Wilkins Circle (3731 Macland Road, 1975 Villa Rica Road). **WITHDRAWN WITHOUT PREJUDICE**
- Z-31** **LOT ONE HOMES** (Barbara B. Prewett and Gerald D. Prewett, owners) requesting rezoning from **R-20** to **RA-4** for a single-family subdivision in land lot 455 of the 16th district. Property is located on the east side of Trickum Road, north of Sandy Plains Road (3170 Trickum Road). **WITHDRAWN WITHOUT PREJUDICE**
- Z-33** **PULTE HOME COMPANY** (RB Properties, LLC, owner) requesting rezoning from **O&I** to **RM-12** for a townhome community in land lots 883 and 884 of the 17th district. Property is located on the west side of Cumberland Club Drive, north of Mount Wilkinson Parkway (3290 Cumberland Club Drive). **WITHDRAWN WITHOUT PREJUDICE**

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- 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; held by the PC from the April 5, 2022, PC hearing until the May, 3, 2022, PC hearing; continued by Staff from the May 3, 2022, and June 7, 2022, PC hearings until the July 5, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-26** **DUKE REALTY LIMITED PARTNERSHIP** (Charles M. Bettis, owner) requesting rezoning from **GC** and **LI** to **LI** for a warehouse, distribution facility in land lots 499, 502, and 503 of the 18th district. Property is located on the southeast side of Discovery Boulevard and on the northeast side of Mableton Parkway (Discovery Boulevard). *(Previously held by the Planning Commission from the May 3, 2022, Planning Commission (PC) hearing until the July 5, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-29** **MARIA DEL CARMEN RODRIGUEZ** (Miguel Pineda and Maria Del Carmen Rodriguez Jaime, owners) requesting rezoning from **CF** and **R-20** to **R-20** for a single-family residence in land lots 278 and 279 of the 17th district. Property is located on the north side of Waldrep Circle, west of South Cobb Drive (1802 Waldrep Circle). *(Continued by Staff from the June 7, 2022, Planning Commission (PC) hearing until the July 5, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-34** **RISE PROPERTIES, LLC** (Techsoft Consulting, LLC, owner) requesting rezoning from **PVC** to **RSL** for residential senior living, non-supportive; multi-family and duplex in land lot 17 of the 25th and 26th district. Property is located on the south side of East-West Connector, east of Hicks Road, and west of Barnes Meadows Road (4061, 4085 Hicks Road). *(Continued by Staff from the June 7, 2022, Planning Commission (PC) hearing until the July 5, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-38** **DAVID PEARSON COMMUNITIES, INC.** (Barnes Farms, LLC, owner) requesting rezoning from **R-30** to **R-15/OSC** for a single family subdivision in land lots 8, 9 of the 18th district; 1251, 1266, 1267, 1268, 1269, 1322, 1323, 1324, and 1325 of the 19th district. Property is located on the east and west side of Brown Road, north of Stout Parkway (5690, unaddressed parcel Brown Road). *(Continued by Staff from the June 7, 2022, Planning Commission (PC) hearing until the July 5, 2022, PC hearing; therefore, was not considered at this hearing).*

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

LUP-8 **DONNA JORDAN** (Mildred Sharlene Mahaffey, Willie Gene Abernathy and Donna Marie Jordan, owners) requesting a **Temporary Land Use Permit** to allow two houses on one lot in land lot 42 of the 18th district. Property is located on the north side of Lee Road, west of Veterans Memorial Highway (264 Lee Road). *(Previously held by the Planning Commission (PC) until the June 7, 2022, PC hearing; continued by Staff until the July 5, 2022, PC 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). *(Previously continued by Staff until the May 3, 2022, Planning Commission (PC) hearing; held by the PC until the June 7, 2022, PC hearing; continued by Staff until the July 5, 2022, PC hearing; therefore, was not considered at this hearing).*

OSC-1 **GREEN COMMUNITY DEVELOPMENT, LLC** (Charles I Claussen and Alla V Claussen, owners) requesting rezoning from **R-20** to **R-20/OSC** for a single-family subdivision in land lot 740 of the 16th district. Property is located on the east side of Kinridge Court, north of Kinridge Road (2077, 2079 Kinridge Court). *(Continued by Staff until the July 5, 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). *(Previously continued by Staff from the April 5, 2022, and May 3, 2022, Planning Commission (PC) hearings until the June 7, 2022, PC hearing).*

Mr. Pederson presented the Applicant's request for a continuance of Z-21; thereafter, the following motion was made:

MOTION: Motion by Anderson, second by Beloin, to continue Z-21 until the July 5, 2022, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 3-0, Dance and Hughes not present

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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 Anderson, second by Beloin, to **approve** the Consent Agenda, *as revised*:

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). *(Previously continued by Staff from the April 5, 2022, and May 3, 2022, Planning Commission (PC) hearings until the June 7, 2022, PC hearing).*

To recommend **deletion** of Z-20 to the **LRO** zoning district, subject to:

1. Site Plan received by the Zoning Division on February 3, 2022, with the District Commissioner approving minor modifications (on file in the Zoning Division)
2. Letter of agreeable conditions from Garvis L. Sams, Jr. dated May 31, 2022 (on file in the Zoning Division)
3. Fire Department comments and recommendations
4. Water and Sewer Division comments and recommendations
5. Stormwater Management 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 June 21, 2022

At the call for Z-30 (Joseph Fiamingo), opposition was present; therefore, Z-30 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 7 of these minutes).

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CONSENT AGENDA (CONT.)

SLUP-8 **AUTONATION, INC.** (Cobb Barrett Lakes, LLC, owner) requesting a **Special Land Use Permit** for an automobile and truck sales facility (used or pre-owned) in land lot 172 of the 20th district. Property is located on the west side of Barrett Lakes Boulevard, south of Cobb Place Boulevard (2275 Barrett Lakes Boulevard).

To recommend **approval** of SLUP-8, subject to:

- 1. All cars to be parked in marked parking spaces**
- 2. Fire Department comments and recommendations**
- 3. Water and Sewer Division comments and recommendations**
- 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 June 21, 2022**

CONSENT VOTE: **ADOPTED** 3-0, Dance and Hughes not present

REGULAR AGENDA

Z-83'²¹ **ST. BOURKE** (M.J. Westmoreland, Westmoreland, Inc., owner) requesting rezoning from **OS** and **RM-12** 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, and on the west side of Rioca Circle (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 from the April 5, 2022, PC hearing until the May 3, 2022, PC hearing; held by the PC from the May 3, 2022, PC hearing until the June 7, 2022, PC hearing).*

The public hearing was opened; Dan Mason, Mary Rose Barnes, and Sonya Wheatley addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Vault, second by Beloin, to recommend **approval** of Z-83'²¹ to the **RM-8** zoning district, subject to:

- 1. All Staff comments and recommendations, including Department of Transportation (DOT) comments from June 6, 2022, shall be adhered to and the requirement that all roads associated with the property meet County standards; variances will need to be adjusted to meet the DOT requirements**

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REGULAR AGENDA (CONT.)

Z-83²¹ ST. BOURKE (CONT.)

- 2. As it relates to blasting, Applicant shall adhere to County code as written**

VOTE: **ADOPTED** 3-0, Dance and Hughes not present

Prior to hearing Z-24, Mr. Pederson announced that two other cases, Z-37 (Synergy Investing, LLC) and LUP-10 (Jose A Orellana), needed attention.

Z-37 SYNERGY INVESTING, LLC (Synergy Investing, LLC, owner) requesting rezoning from **R-20** to **LRO** for an office in land lots 660 and 661 of the 16th district. Property is located on the north side of Liberty Hill Road, east of Canton Road, east of Jewell Drive, and at the terminus of Hiawassee Drive (905 Liberty Hill Road).

Mr. Pederson presented the Applicant's request to withdraw Z-37 without prejudice; thereafter, the following motion was made:

MOTION: Motion by Anderson, second by Beloin, to **allow** Z-37 to be *withdrawn without prejudice*.

VOTE: **ADOPTED** 3-0, Dance and Hughes not present

LUP-10 JOSE A ORELLANA (Jose Adelson Orellana, owner) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 16 of the 17th district. Property is located on the south side of Birchwood Road and the east side of Walnut Circle (803 Birchwood Road).

Mr. Pederson presented the Applicant's request for a continuance of LUP-10; thereafter, the following motion was made:

MOTION: Motion by Beloin, second by Anderson, to **continue** LUP-10 until the July 5, 2022, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 3-0, Dance and Hughes not present

Chairman Vault called for a brief recess from 9:58 a.m. until 10:07 a.m.

Z-24 DAVEST ENTERPRISES, LLC (Davest Enterprises, LLC, owner) requesting rezoning from **LRO** and **NRC** to **NRC** for a personal care home in land lot 37 of the 20th district. Property is located on the southwest side of Cobb Parkway, north of Cedarcrest Road (4707 Cobb Parkway NW). *(Previously continued by Staff from the May 3, 2022, Planning Commission (PC) hearing until June 7, 2022, PC hearing).*

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REGULAR AGENDA (CONT.)

Z-24 DAVEST ENTERPRISES, LLC (CONT.)

The public hearing was opened; Brad Russell and Teresa Stendahl addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Anderson, to **hold** Z-24 until the July 5, 2022, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 3-0, Dance and Hughes not present

Z-30 JOSEPH FIAMINGO (Joseph Michael Fiamingo, owner) requesting rezoning from **R-20** to **LRO** for contractor office in land lot 421 of the 16th district. Property is located on the north side of Blackwell Road, across from Fowler Drive (875 Blackwell Road).

The public hearing was opened; Joseph Fiamingo, Michael Sawick, and Annette deVarennes addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Vault, second by Anderson, to recommend **deletion** of Z-30 to the **Limited Professional Services Permit (LPSP)**, subject to:

- 1. Pursuant and specific to this particular owner**
- 2. All other Staff comments and recommendations**
- 3. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on June 21, 2022**

VOTE: **ADOPTED** 3-0, Dance and Hughes not present

Z-32 AMADEUS, LLC (Amadeus, LLC, owner) requesting rezoning from **GC** to **NRC** for commercial kitchen, offices, warehouse, and event space in land lot 637 of the 16th district. Property is located on the west side of Canton Road, north of Westerly Way (2469 Canton Road).

The public hearing was opened; Andrew Brackner, Amwel Kimani, and Carol Brown addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Vault, second by Beloin, to recommend **approval** of Z-32 to the **NRC** zoning district, subject to:

- 1. All Staff comments and recommendations**
- 2. Restricted uses as listed in the letter from Canton Road Neighbors dated June 1, 2022 (on file in the Zoning Division)**

VOTE: **ADOPTED** 3-0, Dance and Hughes not present

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REGULAR AGENDA (CONT.)

Z-35 **MORRISON BUILDING & INVESTMENT, LLC** (Morrison Building & Investment, LLC, owners) requesting rezoning from **R-20** to **NRC** for commercial use in land lot 42 of the 18th district. Property is located on the south side of Veterans Memorial Highway, north of Lee Road (259 Veterans Memorial Highway).

The public hearing was opened; Rodney Morrison and Sonya Wheatley addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Vault, second by Beloin, to **hold** Z-35 until the July 5, 2022, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 3-0, Dance and Hughes not present

Z-36 **DAVID GERNATT** (David Gernatt, Trustee of the Shelia Anne Gernatt Irrevocable Trust dated June 19, 2015, owners) requesting rezoning from **R-30** to **R-20** for a single-family subdivision in land lot 335 of the 20th district. Property is located on the west side of County Road, at the terminus of Crestworth Lane (286 County Road).

The public hearing was opened; Parks Huff, Debbie Mosher, Susan Heuke, and Camille Yarbrough addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Anderson, to **hold** Z-36 until the July 5, 2022, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 3-0, Dance and Hughes not present

APPROVAL OF MINUTES

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

May 3, 2022 – Planning Commission Zoning Hearing

VOTE: **ADOPTED** 3-0, Dance and Hughes not present

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

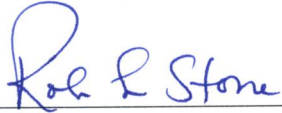
May 23, 2022 – Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED** 3-0, Dance and Hughes not present

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ADJOURNMENT

The hearing adjourned at 11:25 a.m.



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