

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

The Planning Commission Zoning Hearing was held on Tuesday, July 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
Michael Hughes

David Anderson – not present
Deborah Dance – not present

CALL TO ORDER – CHAIRMAN VAULT

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

Clerk's Note: Due to the absence of Planning Commissioners, Anderson and Dance, Chairman Vault handled the District 2 and District 3 cases during the hearing.

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 John Pederson, Zoning Division Manager, reviewed the hearing procedures and announced the cases which were *withdrawn or continued*.

WITHDRAWN AND CONTINUED CASES

Z-40 DENNIS PALMER (Dennis Palmer, Trustee for The OCC-1701, owner) requesting rezoning from **R-20** to **R-12** for single-family residences in land lot 351 of the 17th district. Property is located at the southeastern corner of the intersection of Old Concord Road and Miller Avenue (1701 Old Concord Road). ***WITHDRAWN WITHOUT PREJUDICE***

Z-26 DUKE REALTY LIMITED PARTNERSHIP (Charles M. Bettis, owner) requesting rezoning from **GC** and **LI** to **LI** for a warehouse and 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).***

Mr. Pederson presented the Applicant's request to withdraw without prejudice Z-26; thereafter, the following motion was made:

MOTION: Motion by Hughes, second by Beloin, to **allow** Z-26 to be *withdrawn without prejudice*.

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

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
JULY 5, 2022
PAGE 2**

WITHDRAWN AND CONTINUED CASES (CONT.)

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). *(Previously held by the Planning Commission from the June 7, 2022, Planning Commission (PC) hearing until the July 5, 2022 PC hearing; continued by Staff until the August 2, 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 districts. 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).*

Mr. Pederson presented the Applicant's request for a continuation of Z-34; thereafter, the following motion was made:

MOTION: Motion by Hughes, second by Beloin, to **continue** Z-34 to the August 2, 2022, Planning Commission Zoning Hearing.

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

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).*

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

MOTION: Motion by Hughes, second by Beloin, to **continue** SLUP-5 to the August 2, 2022, Planning Commission Zoning Hearing.

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

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
JULY 5, 2022
PAGE 3**

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

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; Continued by the PC hearing from the June 7, 2022, PC hearing until the July 5, 2022, PC hearing).*

To recommend **deletion** of Z-21 to the **LRC** zoning district, subject to:

- 1. Site Plan received by the Zoning Division on May 31, 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. Construction hours limited to Monday through Friday from 7:00 a.m. until 6:00 p.m.**
- 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 July 19, 2022**

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
JULY 5, 2022
PAGE 4**

CONSENT AGENDA (CONT.)

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; held by the PC from the June 7, 2022, PC hearing until the July 5, 2022, PC hearing).*

To recommend **deletion** of Z-24 to the **NRC** and **LRO** zoning districts, subject to:

- 1. Site Plan dated June 23, 2022 (on file in the Zoning Division)**
- 2. Letter of agreeable conditions from David Woghiren dated June 30, 2022 (on file in the Zoning Division)**
- 3. Assisted living/personal care use *only***
- 4. Main structure shall be at least three-sided brick and the sides of the building facing Highway 41 shall be brick**
- 5. Fire Department comments and recommendations**
- 6. Water and Sewer Division comments and recommendations**
- 7. Stormwater Management 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 July 19, 2022**

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). *(Previously continued by Staff from the June 7, 2022, Planning Commission (PC) hearing until the July 5, 2022, PC hearing).*

To recommend **approval** of Z-29 to the **R-20** zoning district, subject to:

- 1. District Commissioner to approve the final site plan**
- 2. The existing accessory structures at the rear of the property to be removed within 60 days of the Board of Commissioners' final zoning decision**
- 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. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on July 19, 2022**

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
JULY 5, 2022
PAGE 5**

CONSENT AGENDA (CONT.)

Z-41 **SOUTHERN GAS PARTNERS, LLC** (Southern Gas Partners, LLC, owner) requesting rezoning from **NS** and **GC** to **NRC** for a convenience store with fuel sales and carwash in land lot 339 of the 16th district. Property is located on the southwest corner of the intersection of Shallowford Road and Trickum Road (Shallowford Road, 3705 Trickum Road).

To recommend **approval** of Z-41 to the **NRC** zoning district, subject to:

- 1. Site Plan received by the Zoning Division on June 14, 2022, with the District Commissioner approving minor modifications (on file in the Zoning Division)**
- 2. Variance as identified in Zoning Division comments regarding parking stall depth to be granted for designated vacuum spaces at the carwash *only***
- 3. 20-feet along the southern property line to remain undisturbed to meet landscape buffer requirement**
- 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 July 19, 2022**

Z-43 **JVH PROPERTIES, LLC** (JVH Properties, LLC, owner) requesting rezoning from **GC** to **NRC** for an office in land lot 621 of the 17th district. Property is located on the south side of South Cobb Drive, northwest of Ivy Glen Drive (4450 South Cobb Drive).

To recommend **approval** of Z-43 to the **NRC** zoning district, subject to:

- 1. Site Plan received by the Zoning Division on May 6, 2022, with the District Commissioner approving minor modifications (on file in the Zoning Division)**
- 2. Maintain the existing 35-foot undisturbed buffer adjacent to residential zoning along the southwest property line**
- 3. Include an eight-foot landscape enhancement strip along Ivy Glen Drive and South Cobb Drive**
- 4. Fire Department comments and recommendations**
- 5. Water and Sewer Division comments and recommendations**
- 6. Stormwater Management 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 July 19, 2022**

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
JULY 5, 2022
PAGE 6**

CONSENT AGENDA (CONT.)

Z-44 **TCCA TRUST LLC** (Marilyn Hasty Williams, Trustee for Willis Worley Hasty Trust, owner) requesting rezoning from **LRO** to **NRC** for a personal care home in land lot 776 of the 16th district. Property is located on the southeast side of Sandy Plains Road, northeast of Scufflegrit Road (1900 Sandy Plains Road).

To recommend **approval** of Z-44 to the **NRC** zoning district, subject to:

1. ***Revised* site plan dated May 25, 2022, with the District Commissioner approving the final site plan (on file in the Zoning Division)**
2. **Letter of agreeable conditions from Garvis L. Sams Jr. dated June 10, 2022 (on file in the Zoning Division)**
3. **Assisted living/personal care home use *only***
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 July 19, 2022**

LUP-11 **JEFFERY C. SMITH** (Jeffery C. Smith and Julian W. Smith, owners) requesting a **Temporary Land Use Permit** for produce sales (Renewal of LUP-12-2020) in land lots 1019 and 1054 of the 19th district. Property is located on the east side of Austell Powder Springs Road, south of Furr Avenue (4509 Austell Powder Springs Road).

To recommend **approval** of LUP-11 for **24 months**, subject to:

1. **Produce stand to be maintained to the side of the primary structure**
2. **Off-street parking and turn around space to be provided to the side and rear of the existing structure**
3. **Business activity limited to Spring and Summer months**
4. **Department of Transportation comments and recommendations**
5. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on July 19, 2022**

SLUP-9 **BROWARD DEVELOPMENT** (Carol Ann Waddell and Christina Waddell Holcombe, Stephen R. Pendleton and Victoria B. Pendleton, LLC, owners) requesting a **Special Land Use Permit** for a climate controlled self-storage facility in land lots 405 and 498 of the 18th district. Property is located on the northeast side of Mableton Parkway and on the southwest side of Cardell Circle, north of Hunnicutt Road (6949 Mableton Parkway).

MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
JULY 5, 2022
PAGE 7

CONSENT AGENDA (CONT.)

SLUP-9 BROWARD DEVELOPMENT (CONT.)

To recommend **approval** of SLUP-9, subject to:

1. ***Final site plan and building architecture to be approved by the District Commissioner***
2. ***Variance #1 and #2 granted as identified in Zoning Division comments; Variance #3 is not to be approved***
3. ***Access hours to be from 6:00 a.m. until 10:00 p.m., seven days a week***
4. ***Submittal 1 traffic study to be submitted during Plan Review***
5. ***Mableton Parkway Design Guidelines must be met during Plan Review***
6. ***Landscape Review Committee shall be established to include the Applicant, County Arborist, and representatives from the Mableton Improvement Coalition, with final approval by the District Commissioner***
7. ***All other Staff comments and recommendations, not otherwise in conflict***
8. ***Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on July 19, 2022***

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

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; 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).***

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

MOTION: Motion by Vault, second by Beloin, to **hold** Z-7 until the August 2, 2022, Planning Commission Zoning Hearing.

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

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
JULY 5, 2022
PAGE 8**

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). *(Previously held by the Planning Commission (PC) until the July 5, 2022, PC hearing).*

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

MOTION: Motion by Hughes, second by Beloin, to **hold** Z-35 until the August 2, 2022, Planning Commission Zoning Hearing.

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

Chairman Vault called for a recess from 10:20 a.m. until 10:31 a.m.

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 and 9 of the 18th district; and land lots 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).*

The public hearing was opened; Kevin Moore, Clithon Rice, Jr., Jerry Seagraves, Pete Mulcare, and Danny Willis addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Beloin, to **delete** Z-38 to the R-20/OSC zoning district, subject to:

1. District Commissioner to approve the final site plan
2. Letter of agreeable conditions from Kevin Moore dated June 24, 2022
3. Staff comments and recommendations

Prior to the vote, discussion ensued, Mr. Hughes *withdrew* his original motion, and then made the following substitute motion:

MOTION: Motion by Hughes, second by Beloin, to **hold** Z-38 until the August 2, 2022, Planning Commission Zoning Hearing,

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

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
JULY 5, 2022
PAGE 9**

REGULAR AGENDA (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).*

The public hearing was opened; Wendy Abernathy and Robin Meyer 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 LUP-8 for **24 months**, subject to:

- 1. All Staff comments and recommendations**
- 2. Code Enforcement to inspect the property on a quarterly basis to ensure compliance during the 24-month period**
- 3. Applicant to secure the necessary tag for the camper**
- 4. No dwelling in the RV**
- 5. All vehicles to be parked in the driveway on a hardened surface**
- 6. No vehicles to be parked in the backyard**

VOTE: **ADOPTED** 3-0, Anderson and Dance 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). *(Continued by Staff until the July 5, 2022, Planning Commission hearing).*

The public hearing was opened, and Jose Orellana via an interpreter addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Beloin, to recommend **denial** of LUP-10.

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

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).*

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
JULY 5, 2022
PAGE 10**

REGULAR AGENDA (CONT.)

OSC-1 GREEN COMMUNITY DEVELOPMENT, LLC (CONT.)

The public hearing was opened; Michelle Graves, Christopher Hunt, Allen Smith, Chris Lindstrom, and Deva Jebb-Albaba addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Vault, second by Hughes, to recommend **denial** of OSC-1.

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

Chairman Vault called for a lunch recess at 11:56 a.m. The hearing reconvened at 1:05 p.m.

Z-39 CARLOS H MUNOZ SERRANO (Carlos Munoz, owner) requesting rezoning from **GC** and **R-20** to **LI** for a parking lot in land lot 107 of the 17th district. Property is located on the north side of Lions Club Drive, west of Glore Drive (Lions Club Drive, Glore Drive).

At the call for Z-39, the Applicant was not present, but there was opposition present. The public hearing was opened, and Robin Meyer addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Beloin, to recommend **denial** of Z-39.

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

Z-42 JONATHAN CONWAY, THE STONEHENGE GROUP EBP LLC (Suzanne Lemmond Brown and Barbara Lemmond Kilgore, owners) requesting rezoning from **NS** to **FST** for a townhome community in land lots 486, 516, and 517 of the 18th district. Property is located on the northeast side of the intersection of Oak Ridge Road and Blair Bridge Road (1350 Oak Ridge Road).

The public hearing was opened; Jonathan Conway and Phillip Barnett addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Beloin, to **hold** Z-42 until the August 2, 2022, Planning Commission Zoning Hearing.

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

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
JULY 5, 2022
PAGE 11**

APPROVAL OF MINUTES

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

June 7, 2022 – Planning Commission Zoning Hearing

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

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

June 27, 2022 – Special Called Meeting/Agenda Review Work Session

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

ADJOURNMENT

The hearing adjourned at 1:31 p.m.



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