

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
AUGUST 2, 2022
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, August 2, 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
Michael Hughes

CALL TO ORDER – CHAIRMAN VAULT

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

Ms. Jeannie Peyton, Zoning Division Senior Planner, reviewed the hearing procedures and announced the cases which were *withdrawn or continued*.

WITHDRAWN AND CONTINUED CASES

SLUP-10 **TOPSC, LLC** (Craigal Property LLC, owner) requesting a **Special Land Use Permit** for a climate controlled self-storage in land lot 1080 of the 19th district. Property is located on the east side of Austell Road, on the north side of Stallion Parkway (Stallion Parkway). ***WITHDRAWN WITHOUT PREJUDICE***

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 the East-West Connector, east of Hicks Road, and west of Barnes Meadows Road (4061, 4085 Hicks Road). (***Previously continued by Staff from the June 7, 2022, Planning Commission (PC) hearing until the July 5, 2022, PC hearing; continued by the PC until the August 2, 2022, PC hearing***).

Ms. Peyton presented the Applicant's request to withdraw without prejudice Z-34; thereafter, the following motion was made:

MOTION: Motion by Hughes, second by Beloin, to **allow** Z-34 to be *withdrawn without prejudice*

VOTE: **ADOPTED 5-0**

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WITHDRAWN AND CONTINUED CASES (CONT.)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; held by the PC until the August 2, 2022 PC hearing; continued by Staff until the September 6, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-46** **WATMOR, LLC** (John D. Ford, as Trustee of the Survivor's Trust, owners) requesting rezoning from **R-20** to **NRC** for a carwash in land lot 311 of the 16th district. Property is located on the north side of Shallowford Road, east of Trickum Road (Shallowford Road). *(Continued by Staff until the September 6, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*
- Z-47** **ANGEL EYES STUDIOS 5, INC.** (Watts Associates, Ltd., owner) requesting rezoning from **GC** and **R-15** to **PVC** for production stages, retail, restaurants, and multi-family residential in land lots 268, 269, 299, and 300 of the 18th district. Property is located on the northwest side of Factory Shoals Road, on the southwest side of Factory Shoals Drive (6410 Factory Shoals Road). *(Continued by Staff until the October 4, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*
- Z-49** **JOHNNIE HASTINGS, INTEGRITY DEVELOPMENT GROUP** (Floy A. Clonts, owner) requesting rezoning from **R-20** to **RA-5** for a townhome community in land lots 690 and 691 of the 19th district. Property is located on the west side of Ernest Barrett Parkway, at the terminus of Old Horseshoe Bend Road, north of Macedonia Road (6152 Ernest Barrett Parkway, unaddressed parcel Old Horseshoe Bend Road). *(Continued by Staff until the September 6, 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). *(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; continued by Staff until the August 2, 2022, PC hearing).*

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WITHDRAWN AND CONTINUED CASES (CONT.)

**SLUP-5 PARALLEL TOWERS III, LLC aka PARALLEL
INFRASTRUCTURE, LLC (CONT.)**

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

MOTION: Motion by Dance, second by Beloin, to **continue** SLUP-5 to the September 6, 2022, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

Ms. Peyton 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 revised*:

Z-45 JOSEPH DURU (Procure Healthcare, Inc., owner) requesting rezoning from **NS** to **NRC** for a professional office in land lot 202 of the 17th district. Property is located on the east side of Sandtown Road, south of Windy Hill Road (2431 Sandtown Road).

To recommend **approval** of Z-45 to the **NRC** zoning district, subject to:

- 1. Site Plan received by the Zoning Division dated May 24, 2022 (on file in the Zoning Division)**
- 2. Final site plan to be approved by the District Commissioner**
- 3. Professional office use *only***

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CONSENT AGENDA (CONT.)

Z-45 JOSEPH DURU (CONT.)

- 4. Applicant, owner, or developer to install six required parking spaces prior to any use of the property**
- 5. Installation of a 20-foot landscape buffer along all residentially zoned properties, with the County Arborist to approve final Landscape Plan**
- 6. Fire Department 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 August 16, 2022**

At the call for Z-53 (Lears Development Partners, LLC), opposition was present; therefore, Z-53 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 8 of these minutes).

LUP-12 MARIA CLAUDIA ORTEGA (Jesus Maria Silva and Maria Claudia Ortega, owners) requesting a **Temporary Land Use Permit** for a daycare (Renewal of LUP-11-2020) in land lots 1949 and 1950 of the 16th district. Property is located on the east side of Allgood Road, north of Camellia Drive (1096 Allgood Road).

To recommend **approval** of LUP-12 for **24 months**, subject to:

- 1. Maximum of 20 children**
- 2. Maximum of four employees**
- 3. No signs**
- 4. No parking in the right of way**
- 5. Department of Transportation comments and recommendations**
- 6. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on August 16, 2022**

CONSENT VOTE: ADOPTED 5-0

REGULAR AGENDA

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) from the June 7, 2022, and July 5, 2022, PC hearings until the August 2, 2022, PC hearing).*

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REGULAR AGENDA (CONT.)

Z-35 MORRISON BUILDING & INVESTMENT, LLC (CONT.)

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 Anderson, to **hold** Z-35 until the September 6, 2022, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

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).*

The public hearing was opened; Garvis L. Sams, Jr., David Gernatt, David Parks, Debbie Mosher, and Susan Heuke addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Dance, to recommend **denial** of Z-36, *without prejudice*.

VOTE: **ADOPTED 5-0**

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; held by the PC until the August 2, 2022, PC hearing).*

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

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REGULAR AGENDA (CONT.)

Z-38 DAVID PEARSON COMMUNITIES, INC. (CONT.)

MOTION: Motion by Hughes, second by Anderson, to recommend **deletion** of Z-38 to the **R-20/OSC** zoning district, subject to:

- 1. Letter of agreeable conditions from Kevin Moore dated July 22, 2022 (on file in the Zoning Division)**
- 2. Applicant to ensure that a representative from David Pearson Communities, Inc. shall attend the August 16, 2022, Board of Commissioners' Zoning Hearing**
- 3. Staff comments and recommendations**

VOTE: **ADOPTED** 3-2, Beloin and Dance opposed

Chairman Vault called for a brief recess from 11:02 a.m. until 11:14 a.m.

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, and Jonathan Conway 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-42 to the **FST** zoning district, subject to:

- 1. Site Plan dated June 13, 2022 (on file in the Zoning Division)**
- 2. Letter of agreeable conditions from Jonathan Conway dated August 1, 2022 (on file in the Zoning Division), with the following changes:**
 - A. Item No. 3a – correct typo, should read: “...one car garage.”**
 - B. Item No. 6 – change: “20%”, to: “10%”**
 - C. Item No. 13 – modified to include: “Landscape Plan shall be approved by the County Arborist and District Commissioner.”**
 - D. Item No. 14 – revise to read: “Detention facilities shall be screened by black, vinyl-clad chain link fence...”**
- 3. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on August 16, 2022**

VOTE: **ADOPTED** 5-0

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REGULAR AGENDA (CONT.)

Z-48 OM ENTERPRISES 9, LLC (Joan Leigh Zimmerman Sheppard, as Trustee of the Raymond Haskell Zimmerman Trust, owner) requesting rezoning from **LI** to **NRC** for a convenience store with fuel sales in land lot 302 of the 17th district. Property is located on the west side of Benson Poole Road, on the north side of Benson Poole Circle, south of South Cobb Drive (2338 Benson Poole Road).

The public hearing was opened, and Garvis L. Sams, Jr. addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Anderson, to recommend **approval** of Z-48 to the **NRC** zoning district, subject to:

1. **Letter of agreeable conditions from Garvis L. Sams, Jr. dated July 6, 2022 (on file in the Zoning Division)**
2. **Applicant to submit a *revised* site plan prior to the deadline for the August 16, 2022, Board of Commissioners' Zoning Hearing**
3. **Staff comments and recommendations**

VOTE: **ADOPTED 5-0**

Chairman Vault called for a lunch recess at 12:08 p.m. The hearing reconvened at 1:15 p.m.

Z-51 LENNAR GEORGIA, INC. (Robert E. Fournoy, III, Matthew C. Fournoy, Gwynn Fournoy Ross and Natalie Fournoy Boss, owner) requesting rezoning from **R-30** to **R-20** for single-family residential in land lot 341 of the 20th district. Property is located on the east side of Antioch Road, at the terminus of Armor Drive (Antioch Road).

Following the lunch recess, Ms. Peyton announced that the Applicant for Z-51 requested to withdraw without prejudice; thereafter, the following motion was made:

MOTION: Motion by Beloin, second by Dance, to **allow** Z-51 to be *withdrawn without prejudice*.

VOTE: **ADOPTED 5-0**

Z-50 ROMUSA PROPERTIES, LLC (Romusa Properties, LLC, owner) requesting rezoning from **R-20** to **NRC** for a daycare in land lot 494 of the 19th district. Property is located on the south side of Macland Road, on the west side of West Sandtown Road (2260 West Sandtown Road, 2845 Macland Road).

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REGULAR AGENDA (CONT.)

Z-50 ROMUSA PROPERTIES, LLC (CONT.)

The public hearing was opened; Giles Ward, Hunter Hyde, Richard Pine and Michael Brooks addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Dance, to **hold** Z-50 until the September 6, 2022, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

Z-52 NEWPORT 360 CAPITAL, LLC (Municipal Gas Authority of Georgia, owner) requesting rezoning from **GC** to **RRC** for multifamily residential in land lot 363 of the 16th district. Property is located on the east side of Townpark Drive, north of Townpark Lane (108 Townpark Drive).

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

MOTION: Motion by Dance, second by Beloin, to **hold** Z-52 until the September 6, 2022, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

Z-53 LEARSI DEVELOPMENT PARTNERS, LLC (LEARSI Development Partners, LLC and The Applause Group Corp., owners) requesting rezoning from **GC** to **R-15** for a single-family residence on land lot 1297 of the 19th district. Property is located on the northwest side of Old Bankhead Highway, at the terminus of Ricky Lane, south of Veterans Memorial Highway (1080, 1090 Old Bankhead Highway).

The public hearing was opened; Leroy Lovelace, Shavsha Israel Lovelace, 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 recommend **approval** of Z-53 to the **R-15** zoning district, subject to:

- 1. Site Plan presented at today's hearing (8/2/2022) (on file in the Zoning Division)**
- 2. District Commissioner to have final approval of the Site Plan**
- 3. Elevations shown at today's hearing (8/2/2022) (on file in the Zoning Division)**

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REGULAR AGENDA (CONT.)

Z-53 LEARSI DEVELOPMENT PARTNERS, LLC (CONT.)

4. Garage located on the site shall be renovated to match the architectural style of the primary residence on the site
5. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on August 16, 2022

VOTE: **ADOPTED 5-0**

LUP-13 CAROL J. HICKS-VARGAS, MICHAEL VARGAS (Carol Hicks-Vargas and Michael Vargas, owners) requesting a **Temporary Land Use Permit** to allow more adults and vehicles than the code allows in land lot 80 of the 16th district. Property is located on the southwest side of the Rocky Top Court, north of Watkins Glenn Drive (230 Rocky Top Court).

At the call for LUP-13, the Applicant was not present, and there was no opposition present. Following discussion, the following motion was made:

MOTION: Motion by Dance, second by Hughes, to recommend **denial** of LUP-13.

VOTE: **ADOPTED 5-0**

RESCIND AND RECONSIDER CASE - ANNOUNCEMENT

Z-43 Per the Planning Commission (PC) and Board of Commissioners (BOC) Zoning Hearing Procedures, the July approval action by the PC and the BOC for rezoning case Z-43 shall be rescinded at the August 2, 2022 PC Hearing and the August 16, 2022 BOC Zoning Hearing. The case will be put on hold to allow for proper notification mailings and proper sign posting. This case will be reheard by the PC on September 6, 2022, and by the BOC on September 20, 2022. The hearings will be held at 9:00 a.m. in the second-floor public meeting room located at 100 Cherokee Street, Marietta, Georgia.

Chairman Vault announced that the July approval action by the PC for rezoning case Z-43 would be rescinded and reheard at the September 6, 2022, PC hearing.

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APPROVAL OF MINUTES

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

July 5, 2022 – Planning Commission Zoning Hearing

VOTE: **ADOPTED** 5-0

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

July 25, 2022 – Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED** 5-0

ADJOURNMENT

The hearing adjourned at 2:57 p.m.



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