

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
SEPTEMBER 6, 2022
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, September 6, 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
Michael Hughes – Vice Chairman
David Anderson
Fred Beloin
Deborah Dance – arrived at 9:10 a.m.

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 following *continued* cases:

CONTINUED CASES

- 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). *(Previously continued by Staff from the August 2, 2022, Planning Commission (PC) hearing until the October 4, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-55** **KENNETH B. CLARY** (Kenneth B. Clary, owner) requesting rezoning from **R-30** to **R-15** for a single-family subdivision in land lots 25, 54, and 55 of the 1st district. Property is located on the north side of Post Oak Tritt Road, west of McPherson Road (4701 Post Oak Tritt Road). *(Previously continued by Staff from the September 6, 2022, Planning Commission (PC) hearing until the October 4, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-56** **ISSAN CHETTY** (Issan Chetty, owner) requesting rezoning from **R-30** to **R-20** for single-family residences in land lot 321 of the 19th district. Property is located on the west side of W. Sandtown Road, north of Friendship Church Road (1534 W. Sandtown Road). *(Continued by Staff until the October 4, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*

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CONTINUED CASES (CONT.)

Z-60 **BRANCH ACQUISITION COMPANY, LLC** (Branch Atlanta Road Associates II, L.P.; SJ Georgia Investor, LLC; Michael Howarth and Christine Howarth, owners) requesting rezoning from **HI** to **RRC** for a mixed-use development in land lots 894 and 900 of the 17th district. Property is located on the south side of Atlanta Road, north of Plant Atkinson Road (4874 and 4888 Atlanta Road, 2840 Plant Atkinson Road). *(Continued by Staff until the October 4, 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; continued by the PC until the September 6, 2022, PC hearing; continued by Staff until the October 4, 2022, PC hearing; therefore, was not considered at this hearing).*

Z-57 **AFSHEEN FOODMART, INC.** (Afsheen Foodmart, Inc., owner) requesting rezoning from **GC** to **NRC** for a convenience store with fuel sales in land lot 20 of the 17th district. Property is located on the east side of Hicks Road, on the south side Grindstone Drive (3191 Hicks Road).

Mr. Pederson presented the Applicant's request for a continuance of Z-57; thereafter, the following motion was made:

MOTION: Motion by Hughes, second by Anderson, to **continue** Z-57 until the October 4, 2022, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 4-0, Dance not present

RESCIND AND RECONSIDER CASE

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 was announced to be rescinded at the August 2, 2022 PC Hearing and the August 16, 2022 BOC Hearing, and the case will be reheard 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 hearing will be held at 9:00am in the second-floor meeting room located at 100 Cherokee Street, Marietta GA.

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RESCIND AND RECONSIDER CASE (CONT.)

Z-43 (CONT.)

MOTION: Motion by Anderson, second by Hughes, to **rescind** Z-43.

VOTE: **ADOPTED** 4-0, Dance not present

Clerk's Note: Z-43 was rescinded and added back to this agenda (see Consent Agenda).

Mr. Pederson made the following announcements and then read in the cases for 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 Hughes, second by Anderson, to **approve** the Consent Agenda, as presented:

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**

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CONSENT AGENDA (CONT.)

Z-43 JVH PROPERTIES, LLC (CONT.)

- 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 September 20, 2022**

Z-54 JOSHUA DOVER (Joshua Dover, owner) requesting rezoning from **R-20/OSC** to **R-20** for a single-family residence in land lots 710, 731, and 732 of the 16th district. Property is located on the south side of Kurtz Road, and on the west side of Sterling Road (756 Kurtz Road).

To recommend **approval** of Z-54 to the **R-20** zoning district, subject to:

- 1. Fire Department comments and recommendations**
- 2. Water and Sewer Division comments and recommendations**
- 3. Stormwater Management Division comments and recommendations**
- 4. Department of Transportation comments and recommendations**
- 5. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on September 20, 2022**

LUP-14 ARCHBISHOP GREGORY J. HARTMAYER, OFM CONV., ARCHBISHOP OF THE ARCHDIOCESE OF ATLANTA, AS TRUSTEE OF AOA PARISH REAL ESTATE TRUST (Most Reverend John F. Donoghue, D.D., as Archbishop of the Roman Catholic Archdiocese of Atlanta and/or His Successors in Office, owners) requesting a **Temporary Land Use Permit (Renewal)** for a catholic campus ministry in land lot 97 of the 20th district. Property is located on the west side of Campus Loop Road, across from Paulding Avenue (3487 Campus Loop Road).

To recommend **approval** of LUP-14 for **24 months**, subject to:

- 1. All parking to be within the driveway or at the Kennesaw State University parking lot**
- 2. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on September 20, 2022**

LUP-16 DORCAS LABOY (History Makers Church, Inc., owner) requesting a **Temporary Land Use Permit** for a daycare in land lot 87 of the 17th district. Property is located on the south side of Windy Hill Road, and the west side of Favor Road (76 Windy Hill Road).

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CONSENT AGENDA (CONT.)

LUP-16 DORCAS LABOY (CONT.)

To recommend **approval** of LUP-16 for **24 months**, subject to:

1. Site Plan received by the Zoning Division on July 8, 2022, with the District Commissioner approving minor modifications (on file in the Zoning Division)
2. Hours of operation to be approved by the District Commissioner
3. Austell Road Design Guidelines must be met for any future site improvements
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, including the submittal of an internal traffic circulation/queuing plan for drop-off/pick-up periods (on file in the Zoning Division)
8. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on September 20, 2022

CONSENT VOTE: **ADOPTED 5-0**

REGULAR AGENDA

Chairman Vault left the hearing at 9:52 a.m. and returned at 11:10 a.m.

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 from the August 2, 2022, PC hearing until the September 6, 2022, PC hearing).*

The public hearing was opened; Parks Huff and Andrew Johnston addressed the Planning Commission. After the presentation and discussion, Vice Chair Hughes called for a ten-minute recess. After the recess, the following motion was made:

MOTION: Motion by Dance, second by Hughes, to **hold** Z-7 until the October 4, 2022, Planning Commission Zoning Hearing.

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REGULAR AGENDA (CONT.)

Z-7 KM HOMES (CONT.)

VOTE: **ADOPTED 5-0**

Clerk's Note: Ms. Dance requested that the Applicant for Z-7 provide the following for the next Planning Commission hearing:

- 1. Develop a new Site Plan which incorporates a further reduction in density and impervious surfaces*
- 2. Show elevations of the front of the units from the street, including the sidewalk connectivity*
- 3. Present a Landscape Plan with fencing that is consistent with the area and addresses run-off issues post construction*
- 4. Stipulation letter should evaluate the buffers and feasibility of a proposal to move the units forward on the property as discussed which could amount to a reduction in the location of the existing structures but could allow for the extension of a further buffer back of the properties*
- 5. Stipulation letter should address and consider the relocation of the entrance as discussed by DOT and provide a traffic plan that would facilitate a left turn at the 620-foot recommendation*
- 6. Stipulation letter should address a Stormwater Plan and consider the possibility of an escrow for the purposes of protecting the citizens*

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). *(Previously continued by Staff from the August 2, 2022, Planning Commission (PC) hearing until the September 6, 2022, PC hearing).*

Prior to hearing the next case, Mr. Pederson announced that the Applicant for Z-46 requested a continuance; thereafter, the following motion was made:

MOTION: Motion by Dance, second by Anderson, to **continue** Z-46 until the October 4, 2022, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

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, through the August 2, 2022, PC hearings until the September 6, 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 Dance, to recommend **denial** of Z-35.

VOTE: **ADOPTED 5-0**

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). *(Previously continued by Staff from the August 2, 2022 Planning Commission (PC) hearing until the September 6, 2022, PC hearing).*

The public hearing was opened; Johnnie Hastings, Kristen Clonts Wathen, and Steven McCampbell addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Anderson, to **hold** Z-49 until the October 4, 2022, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

Chairman Vault called for a lunch recess at 12:02 p.m. The hearing reconvened at 1:15 p.m.

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). *(Previously held by the Planning Commission (PC) from the August 2, 2022, PC hearing until the September 6, 2022, PC hearing).*

The public hearing was opened, and Giles Ward 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-50.

VOTE: **ADOPTED 5-0**

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REGULAR AGENDA (CONT.)

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). *(Previously held by the Planning Commission (PC) from the August 2, 2022, PC hearing until the September 6, 2022, PC hearing.)*

The public hearing was opened; Kevin Moore and Tullan Avard addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Dance, second by Hughes, to recommend **approval** of Z-52 to the **RRC** zoning district, subject to:

1. **Letters of agreeable conditions from Kevin Moore dated August 29, 2022 and September 2, 2022 (on file in the Zoning Division)**
2. **The height of the buildings be consistent with the verified height of comparable properties in the Town Center/Town Park area; Applicant to provide verified numbers and Staff to verify those numbers for the Board of Commissioners' consideration; if the height of the structures in the area is accurately four stories, that there would be consideration for the reduction to four stories with appropriate reduction in the number of units**
3. **Ongoing dialogue continue with residents regarding Stormwater concerns that have been identified for Chastain Lakes**

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

Chairman Vault called for a brief recess from 2:33 p.m. until 2:44 p.m.

Z-58 **PULTE HOME COMPANY** (Marie F. Johnson, owner) requesting rezoning from **R-30** to **R-20/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).

The public hearing was opened; Rob Hosack, Travis McComb, James (Ryan) Fuquea, Susan Morning, and John Naggy addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Anderson, to **hold** Z-58 until the October 4, 2022, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 5-0

***Clerk's Note:** Mr. Beloin requested that the Applicant submit a Yield Plan and an R-30/OSC Plan for the next Planning Commission hearing.*

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REGULAR AGENDA (CONT.)

Chairman Vault called for a brief recess from 3:37 p.m. until 3:44 p.m. Chairman Vault left the hearing at 3:37 p.m. and returned at 4:47 p.m.

By general consensus, companion cases, Z-59 and SLUP-11 (Glenside Mableton, LLC), were heard concurrently, but voted on separately.

Z-59 **GLENSIDE MABLETON, LLC** (Glenside Mableton, LLC, owner) requesting rezoning from **GC** to **O&I** for a climate-controlled self-storage in land lot 297 of the 18th district. Property is located on the southwest side of Mableton Parkway, north of South Gordon Road (Mableton Parkway).

SLUP-11 **GLENSIDE MABLETON, LLC** (Glenside Mableton, LLC, owner) requesting a **Special Land Use Permit** for a climate-controlled self-storage facility in land lot 297 of the 18th district. Property is located on the southwest side of Mableton Parkway, north of South Gordon Road (Mableton Parkway).

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

MOTION: Motion by Hughes, second by Anderson, to recommend **denial** of Z-59.

VOTE: **ADOPTED** 4-0, Vault not present

After the vote for Z-59, the following motion was made for companion case, SLUP-11:

MOTION: Motion by Hughes, second by Anderson, to recommend **denial** of SLUP-11.

VOTE: **ADOPTED** 4-0, Vault not present

LUP-15 **RACHEL JUREWICZ** (Christopher J. Jurewicz and Lori M. Jurewicz, owners) requesting a **Temporary Land Use Permit** to allow temporary occupancy of an RV in land lot 8 of the 17th district. Property is located on the east side of Cunningham Road, south of Shannon Way (1495 Cunningham Road).

The public hearing was opened, and Rachel Jurewicz addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

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REGULAR AGENDA (CONT.)

LUP-15 RACHEL JUREWICZ (CONT.)

MOTION: Motion by Beloin, second by Anderson, to recommend **approval** of LUP-15 for **12 months**, subject to:

- 1. Non-renewal basis**
- 2. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on September 20, 2022**

VOTE: **ADOPTED** 4-0, Vault not present

Clerk's Note: Mr. Beloin requested that before the Board of Commissioners' Zoning Hearing that Staff recommend appropriate screening that might be necessary to prevent the RV from being seen from the roadway in front of the house.

SLUP-12 EAST PIEDMONT STORAGE, LLC (CP Piedmont Village, LLC, owner) requesting a **Special Land Use Permit** for a climate-controlled self-storage facility in land lot 565 of the 16th district. Property is located on the south side of Piedmont Road, east of Canton Road (Piedmont Road).

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

MOTION: Motion by Dance, second by Hughes, to recommend **approval** of SLUP-12, subject to:

- 1. All Staff comments and recommendations**
- 2. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on September 20, 2022**

VOTE: **ADOPTED** 5-0

OTHER BUSINESS

At the request of Mr. Pederson, the Planning Commission agreed to hear the Planning Division's 2040 Comprehensive Plan 5-year Update presentation next.

- O.B. 2** To conduct a public hearing and consider a recommendation to the Board of Commissioners regarding the *draft* 2040 Comprehensive Plan 5-year Update.

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OTHER BUSINESS (CONT.)

O.B. 2 (CONT.)

Mr. Phillip Westbrook, Community Development Senior Planner, presented an overview regarding the process of updating the 2040 Comprehensive Plan (5-year Update). The public hearing was opened, and there being no public speakers, the public hearing was closed. Chairman Vault called for a ten-minute recess to allow time to review the *draft* document on-line. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Dance, second by Hughes, to recommend **approval** of the *draft* 2040 Comprehensive Plan 5-year Update.

VOTE: **ADOPTED 5-0**

O.B. 1

To conduct a public hearing and consider a recommendation to the Board of Commissioners regarding the *proposed* 2022 code amendments for Chapter 134 of the Official Code of Cobb County. A copy of the draft *2022 Code Amendments, Part 1 – Chapter 134 - Package 1 – Version 1* document, is on file in the County Clerk's Office.

Ms. Jessica Guinn, Community Development Agency Director, provided information regarding the *proposed* amendments. The public hearing was opened, and there being no public speakers, the public hearing was closed. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Vault, second by Anderson, to recommend **approval** of all the *proposed* code amendments for Chapter 134 presented in the draft *2022 Code Amendments, Part 1 – Chapter 134 - Package 1 – Version 1* document, with the following language to be added:

1. ***Section 134-1 – Definitions.*** Add the following verbiage to the ***Heavy automotive repair establishment*** definition – ***“Heavy automotive repair establishments adjacent to residentially zoned properties shall be required to incorporate noise abatement measures such as, but not limited to, landscaping, fencing, portable noise screen, or other equally effective industry accepted alternative.”***
2. ***Section 134-266 (b) – Service station canopy lighting shall adhere to the following standards:*** Add the following verbiage: ***“(Effective Date: October 1, 2022)”***

Clerk's Note: Section 134-121(8)(c) – No change to the code, but there is a need for additional context as it relates to trips.

VOTE: **ADOPTED 5-0**

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APPROVAL OF MINUTES

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

August 2, 2022 – Planning Commission Zoning Hearing

VOTE: **ADOPTED** 5-0

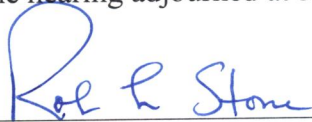
MOTION: Motion by Dance, second by Hughes, to **approve** the following minutes, *as submitted*:

August 29, 2022 – Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED** 5-0

ADJOURNMENT

The hearing adjourned at 5:47 p.m.



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