

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
OCTOBER 4, 2022
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, October 4, 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 – arrived at 9:10 a.m.
Fred Beloin
Deborah Dance
Michael Hughes

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 John Pederson, Zoning Division Manager, reviewed the hearing procedures and announced the cases which were *withdrawn or continued*.

WITHDRAWN AND CONTINUED CASES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).*

Mr. Pederson presented the Applicant's request to withdraw without prejudice Z-47; thereafter, the following motion was made:

MOTION: Motion by Hughes, second by Beloin, to **allow** Z-47 to be *withdrawn without prejudice*.

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

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, and October 4, 2022, Planning Commission (PC) hearings until the November 1, 2022, PC hearing; therefore, was not considered at this hearing).*

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WITHDRAWN AND CONTINUED CASES (CONT.)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). *(Previously continued by Staff from the September 6, 2022, and October 4, 2022, Planning Commission (PC) hearings until the November 1, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-66** **ADP - TERRELL MILL LLC** (The Estate of Ruby Inez Fridell, owner) requesting rezoning from **R-80** to **SLUP** for a climate-controlled self-storage in land lot 936 of the 17th district. Property is located on the west side of Terrell Mill Road, and on the south side of Delk Road (1140 and 1150 Terrell Mill Road). *(Continued by Staff until the November 1, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*
- Z-67** **S&B INVESTMENTS, INC.** (S&B Investments, Inc., owner) requesting rezoning from **GF** and **R-80** to **NRC** for a retail coffee shop in land lots 73 and 81 of the 1st district. Property is located on the west side of Johnson Ferry Road, and on the north side of Paper Mill Road (31 Johnson Ferry Road). *(Continued by Staff until the November 1, 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 from the September 6, 2022, and October 4, 2022, PC hearings until the November 1, 2022, PC hearing; therefore, was not considered at this hearing).*
- SLUP-13** **WH STORAGE, LLC** (Kofer Properties, Inc., owner) requesting a **Special Land Use Permit** for a climate-controlled self-storage in land lots 15 and 58 of the 17th district. Property is located on the south side of Windy Hill Road, on the west side of Arkose Drive (749 Windy Hill Road, 2410 Arkose Drive). *(Continued by Staff until the November 1, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*

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WITHDRAWN AND CONTINUED CASES (CONT.)

SLUP-14 **ADP - TERRELL MILL LLC** (The Estate of Ruby Inez Fridell, owner) requesting a **Special Land Use Permit** for a climate-controlled self-storage in land lot 936 of the 17th district. Property is located on the west side of Terrell Mill Road, and on the south side of Delk Road (1140 and 1150 Terrell Mill Road). *(Continued by Staff until the November 1, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*

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).

Mr. Pederson presented the Applicant's request for a continuance of Z-58; thereafter, the following motion was made:

MOTION: Motion by Beloin, second by Hughes, to **continue** Z-58 to the November 1, 2022, Planning Commission Zoning Hearing.

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

Z-65 **DRAPAC INVESTMENTS, LLC** (DRAPAC Group 3, LLC, owner) requesting rezoning from **RA-5** to **RA-5** for a single-family attached and detached subdivision in land lots 87 and 88 of the 18th district. Property is located on the west side of Michael Road, south of Vanesa Circle, at the terminus of Linda Drive, and at the terminus of Oak Hill Drive (Maxham Road).

Mr. Pederson presented the Applicant's request for a continuance of Z-65; thereafter, the following motion was made:

MOTION: Motion by Hughes, second by Beloin, to **continue** Z-65 to the November 1, 2022, Planning Commission Zoning Hearing.

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

Z-68 **THE REVIVE LAND GROUP, LLC** (Estate of Hazel Elizabeth Cash, Estate of Mildred A. Reeves, Estate of Mary Ruth Allen, L.P.; SJ Georgia Investor, LLC; Michael Howarth and Christine Howarth, owners) requesting rezoning from **GC** to **FST** for a townhome community in land lot 45 of the 18th district. Property is located on the south side of Veterans Memorial Highway, west of Allen Road (220, 230, 240, 250, 260, 262, 272, and 280 Veterans Memorial Highway).

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WITHDRAWN AND CONTINUED CASES (CONT.)

Z-68 THE REVIVE LAND GROUP, LLC (CONT.)

Mr. Pederson presented the Applicant's request for a continuance of Z-68; thereafter, the following motion was made:

MOTION: Motion by Hughes, second by Beloin, to **continue** Z-68 to the November 1, 2022, Planning Commission Zoning Hearing.

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

Z-69 BEAZER HOMES, LLC (Diversified Trust Company, Successor Trustee under instrument dated May 1, 1981, for the benefit of Nancy T. [Montgomery] and grandchildren of George A. Montgomery, owners) requesting rezoning from **R-20** to **RA-6** for a single-family detached and townhome community in land lots 655, 656, 713, 714, 715, 725, 726, 727, 787, and 788 of the 16th district. Property is located on the west side of Bells Ferry Road, on the east side of I- 75 and I-575 (2247 Bells Ferry Road; 150, 151, and 154 Laurel Lake Road).

Mr. Pederson presented the Applicant's request for a continuance of Z-69; thereafter, the following motion was made:

MOTION: Motion by Dance, second by Hughes, to **continue** Z-69 to the December 6, 2022, Planning Commission Zoning Hearing.

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

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.

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CONSENT AGENDA

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

Z-63 **MARTINE TURNNE** (Porfirio Landaverde and Villar Socorro, owners) requesting rezoning from **NS** to **NRC** for a beauty shop and retail in land lot 60 of the 17th district. Property is located on the northwest side of Austell Road, and on the southwest side of Kurt Drive (2202 Austell Road).

To recommend **approval** of Z-63 to the **NRC** zoning district, subject to:

1. **Site Plan received by the Zoning Division on August 1, 2022, with the District Commissioner to approve the final plan (on file in the Zoning Division)**
2. **District Commissioner to approve building architecture; the building to meet the Austell Road Design Guidelines if remodeled or a new building is built**
3. **Retail of beauty supply and hair care products *only***
4. **Customers to park on the driveway, not on the grass**
5. **Owner to remove the garage that straddles the rear property line or submit a lot combination so that all buildings are on subject property**
6. **Fire Department comments and recommendations**
7. **Water and Sewer 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 October 18, 2022**

Z-64 **ALLIANCE INDUSTRIAL PARTNERS, LLC** (Carl James Clarkson and Virginia Lee Clarkson Revocable Living Trust, owners) requesting rezoning from **R-20** to **LI** for a warehouse in land lot 705 of the 18th district. Property is located on the east and west side of Factory Shoals Road, north of Six Flags Road (Factory Shoals Road).

To recommend **approval** of Z-64 to the **LI** zoning district, subject to:

1. **The District Commissioner to approve the final site plan**
2. **Allow parking lot to be located on a separate lot**
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 October 18, 2022**

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CONSENT AGENDA (CONT.)

LUP-19 **WORD OF FAITH FAMILY WORSHIP CENTER, INC.** (Word of Faith Family Worship Center, Inc., owner) requesting a **Temporary Land Use Permit (Renewal)** for a daycare facility in land lots 697 and 698 of the 18th district. Property is located on the west side of Riverside Parkway, and on the north side of The Bluffs (7680 The Bluffs).

To recommend **approval** of LUP-19 for **24 months**, subject to:

- 1. Department of Transportation (DOT) comments and recommendations**
- 2. DOT approved traffic circulation plan**
- 3. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on October 18, 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, and 4600 Wade Green Road). *(Previously continued by Staff from the February 1, 2022, and 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; held by the PC until the October 4, 2022, PC hearing).*

The public hearing was opened; Parks Huff and Derk Allison addressed the Planning Commission. After the presentation and discussion, the following motion was made:

MOTION: Motion by Dance, second by Beloin, to recommend **deletion** of Z-7 to the **RA-4** zoning district, subject to:

- 1. Letter of agreeable conditions from Parks Huff dated September 22, 2022 (on file in the Zoning Division)**
- 2. Staff comments and recommendations**
- 3. Further consideration prior to submission to the Board of Commissioners on the escrow related to Stormwater**

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REGULAR AGENDA (CONT.)

Z-7 KM HOMES (CONT.)

4. Consideration of a Site Plan, which further incorporates a reduction in density, to be presented to the Board of Commissioners
5. Applicant to consider all the recommendations made at the September 6, 2022, Planning Commission Hearing, specifically, to provide elevations of the front of the units from the street, including sidewalk connectivity with measurements; same for the Landscape Plan
6. Increase the distance between structures to 15-feet

VOTE: **ADOPTED 5-0**

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; continued by the PC until the October 4, 2022, PC hearing).*

Mr. Pederson announced that the Applicant has requested that Z-46 be withdrawn without prejudice; thereafter, the following motion was made:

MOTION: Motion by Dance, second by Anderson, to **allow** Z-46 to be *withdrawn without prejudice*.

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; held by the PC until the October 4, 2022, PC hearing).*

The public hearing was opened; Johnnie Hastings and David Stuart addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

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REGULAR AGENDA (CONT.)

**Z-49 JOHNNIE HASTINGS, INTEGRITY DEVELOPMENT GROUP
(CONT.)**

MOTION: Motion by Hughes, second by Dance, to recommend **approval** of Z-49 to the **RA-5** zoning district, subject to:

- 1. District Commissioner to approve final Site Plan and Landscape Plan**
- 2. Density to be no more than 2.75 units per acre**
- 3. No variances as described in the Zoning Division comments**
- 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 (DOT) comments and recommendations**
- 8. The subject property consists of a total of 17.75 acres, more or less, and shall be developed for a residential community, in a townhome style, containing a maximum of 33 townhomes**
- 9. The proposed townhomes shall be two stories in height, and be Traditional and Craftsman in style and architecture, shall have exterior facades consisting of brick, stone, stacked stone, masonry siding, cedar shake shingles, hardi-plank, board and batten, cementitious siding, and combinations thereof, with complementary accents; no vinyl material shall be used on the exterior of the townhome units**
- 10. All garage doors shall be “carriage-style” garage doors**
- 11. The units shall have two car garages; no garage areas within the proposed townhome community shall be converted into heated living space for the units; garages shall remain available for the parking of vehicles; such restrictions shall be included within the Declaration of Covenants, Easements, and Restrictions for the proposed community**
- 12. The proposed townhomes shall have a minimum of 1,800 square feet of heated and cooled living space**
- 13. Applicant agrees to the recording and enforcement of the Declaration of Covenants, Easements, and Restrictions which shall contain covenants, rules, and regulations applicable to the proposed townhome community**
- 14. Additionally, and in conjunction with the Covenants, Applicant agrees to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of the exterior of the units, including roofs, entrance area, signage, all common and amenity areas, open space areas, exterior yard areas, general landscaping areas, mail kiosk, fencing, and the like contained within the community**

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REGULAR AGENDA (CONT.)

**Z-49 JOHNNIE HASTINGS, INTEGRITY DEVELOPMENT GROUP
(CONT.)**

- 15. All units within the proposed townhome community shall be “for sale” units; there shall be no more than a maximum of 10% of units being leased at any one time, which restriction shall be included in the Covenants**
- 16. The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick, stone, stacked stone, or combination thereof, with accents consistent with the architecture and style of the residences within the community**
- 17. The entrance and frontage landscaping shall be professionally landscaped, implemented, and maintained, and shall be substantially similar to the renderings provided by the Applicant and incorporated into the overall plan for the development**
- 18. The Applicant and DOT further evaluate safety concerns at the intersection and any and all available measures that can be made to make sure that is addressed**

VOTE: ADOPTED 4-1, Beloin opposed

Chairman Vault called for a brief recess from 10:46 a.m. until 10:56 a.m.

At the call for Z-56 (Issan Chetty), the Applicant was not present, and there was no opposition present. By general consensus, the case was put on “hold” until the Applicant could be contacted. Later in the hearing, when the Applicant was present, Z-56 was heard (see page 11 of these minutes).

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). *(Previously continued by the Planning Commission until the October 4, 2022, PC hearing).*

The public hearing was opened, and Parks Huff 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-57 to the **NRC** zoning district, subject to:

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REGULAR AGENDA (CONT.)

Z-57 AFSHEEN FOODMART, INC. (CONT.)

- 1. Letter of agreeable conditions from Parks Huff dated September 30, 2022 (on file in the Zoning Division)**
- 2. Staff comments and recommendations**
- 3. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on October 18, 2022**

VOTE: ADOPTED 5-0

Z-61 GREEN COMMUNITY DEVELOPMENT, LLC (Joline D. Cole as Trustee of the Joline D. Cole Living Trust, owner) requesting rezoning from **R-80 and **R-20** to **R-15/OSC** for a single-family subdivision in land lots 27 and 28 of the 17th district and 999 of the 19th district. Property is located on the north side of Bates Road, and on the west side of Hicks Road (900 Bates Road).**

The public hearing was opened; Christopher Hunt, Rhonda Webb, and Susan Carvel 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-61.

VOTE: ADOPTED 5-0

Z-62 ELMER SIBRIAN (Anthony Nnamani, owner) requesting rezoning from **NRC to **CRC** for an automotive paint and body repair shops, and service facilities in land lots 780 and 781 of the 19th district. Property is located on the north side of Mimosa Drive, west of Austell Road (Amy Lane).**

The public hearing was opened; William Perry, Scott Frank, Margaret Buice, and Christopher Hunt 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-62.

VOTE: ADOPTED 5-0

Chairman Vault called for a lunch recess at 11:54 a.m. The hearing reconvened at 1:03 p.m.

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REGULAR AGENDA (CONT.)

LUP-17 **DAVID LIU** (Wei Li, owner) requesting a **Temporary Land Use Permit** for an outdoor storage of stone slabs and metal frames in land lot 1207 of the 16th district. Property is located on the east side of Harris Drive, north of Hazelwood Drive (25 Harris Drive).

The public hearing was opened, and Dora Lui 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 LUP-17 for **12 months** to allow the property owner time to remove the slabs from the property, subject to:

- 1. Property owner to provide to the Zoning Division every three months (90 days) a report showing activities, progress, and timetable of when the slabs will be moved**
- 2. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on October 18, 2022**

VOTE: **ADOPTED 5-0**

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).*

The public hearing was opened; Issan Chetty and Roald Chetty addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Hughes, to **hold** Z-56 until the November 1, 2022, Planning Commission Zoning Hearing.

VOTE: **ADOPTED 5-0**

LUP-18 **RENATA BORGES-MCDONALD** (Jacqueline Tio, owner) requesting a **Temporary Land Use Permit** to allow occupancy of an accessory structure in land lot 256 of the 16th district. Property is located on the west side of Wesley Chapel Road, north of Rivaridge Drive (4015 Wesley Chapel Road).

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

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REGULAR AGENDA (CONT.)

LUP-18 RENATA BORGES-MCDONALD (CONT.)

MOTION: Motion by Dance, second by Hughes, to recommend **approval** of LUP-18 for **24** months, subject to:

- 1. To be used for personal (family) use *only***
- 2. Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on October 18, 2022**

VOTE: **ADOPTED 5-0**

APPROVAL OF MINUTES

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

September 6, 2022 – Planning Commission Zoning Hearing

VOTE: **ADOPTED 5-0**

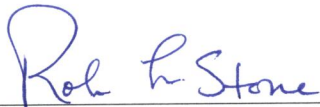
MOTION: Motion by Dance, second by Hughes, to **approve** the following minutes, *as submitted*:

September 26, 2022 – Special Called Meeting/Agenda Review Work Session

VOTE: **ADOPTED 5-0**

ADJOURNMENT

The hearing adjourned at 2:02 p.m.



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